



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

सं. 52] नई दिल्ली, दिसम्बर 21—दिसम्बर 27, 2003, शनिवार/अग्रहायण 30—पौष 6, 1925
No. 52] NEW DELHI, DECEMBER 21—DECEMBER 27, 2003, SATURDAY/AGRAHAYANA 30—PAUSA 6, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

मंत्रिमंडल सचिवालय

नई दिल्ली, 15 दिसम्बर, 2003

का.आ. 3445.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इलाहाबाद उच्च न्यायालय द्वारा दंड प्रकीर्ण रिट याचिका सं. 6335/2003 में पारित आदेश दिनांक 15-10-2003 और दंड प्रकीर्ण रिट याचिका सं. 6392/2003 में आदेश दिनांक 16-10-2003 के अनुपालन में सुनील कुमार श्रीवास्तव पुत्र श्री चंद्र शेखर प्रसाद निवासी रायगंज शहर, गाजीपुर और अन्यो के विरुद्ध सैदपुर पुलिस स्टेशन, जिला गाजीपुर, उत्तर प्रदेश में दर्ज अपराध मामला सं. 989/2003 दिनांक 8-10-2003 के संबंध में भारतीय दंड संहिता की धारा 420, 467, 468 और 471 के अधीन अपराधों और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्न, दुष्प्रेरणों और षडयंत्रों तथा उसी संव्यहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध अथवा अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण उत्तर प्रदेश राज्य पर करती है।

[सं. 228/105/2003—डी.एस.पी.ई.]

शुभा ठाकुर, अवर सचिव

CABINET SECRETARIAT

New Delhi, the 15th December, 2003

S.O. 3445.—In exercise of the powers conferred by Sub-section (1) of Section 5 of Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government in compliance with order dated 15-10-2003 in Criminal Misc. Writ Petition No. 6335 of 2003 and order dated 16-10-2003 in Criminal Misc. Writ Petition No. 6392 of 2003 passed by the High Court of Jurisdiction of Allahabad hereby extends the powers and jurisdiction of the members of the Delhi Special Police

Establishment to the whole of the State of Uttar Pradesh for investigation of Crime No. 989/2003 dated 8-10-2003 registered at Saidpur Police Station, Distt. Ghazipur, Uttar Pradesh against Sunil Kumar Srivastava S/o Shri Chandra Shekhar Prasad R/o Raiganj City, Ghazipur and other of the offences under Sections 420, 467, 468 and 471 of IPC and attempt, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/105/2003-DSPE]

SUBHA THAKUR, Under Secy.

नई दिल्ली, 18 दिसम्बर, 2003

का.आ. 3446.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री एस.एस. गांधी, अधिवक्ता, नई दिल्ली को दिल्ली/नई दिल्ली के सेशन न्यायालय में मामला सं. आरसी 2(एस)/2003-एस.सी.बी.-1/डीएलआई(आईबी नोट की कूटरचना के बारे में) और उससे जुड़े अथवा आनुषंगिक किसी अन्य मामले के अभियोजन तथा अपील एवं पुनरीक्षण न्यायालयों में उक्त मामले से उत्पन्न अन्य कार्यवाहियों का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं 225/40/2003-डी.एस.पी.ई.]

शुभा ठाकुर, अवर सचिव

New Delhi, the 18th December, 2003

S.O. 3446.—In exercise of the powers conferred by the provisions of Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) the Central Government hereby appoints Sh. S. S. Gandhi, Advocate, New Delhi as Special Public Prosecutor for conducting prosecuting of case RC-2(S)/2003-SCB-I/DLI (regarding forgery of I.B. note) and any other matter connected therewith or incidental thereto, in the Sessions Court at Delhi/New Delhi and also other proceedings arising out of the said case in the appellate and revision courts.

[No. 225/40/2003-DSPE]

SUBHA THAKUR, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 1 अक्टूबर, 2003

(आयकर)

का.आ. 3447.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 'गुड्स ट्रांसपोर्ट लेबर बोर्ड, मुम्बई' को वर्ष 1993-94 से 1995-96 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उप-खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिता इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिता उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिता आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) कि विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 241/2003/फा.सं. 197/110/2003-आयकर नि-I]

देवी शरण सिंह, अवर सचिव

MINISTRY OF FINANCE**(Department of Revenue)****(CENTRAL BOARD OF DIRECT TAXES)**

New Delhi, the 1st October, 2003

(Income Tax)

S.O. 3447.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Goods Transport Labour Board, Mumbai” for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 241/2003/F. No. 197/110/2003-ITA-1]

DEVI SHARAN SINGH, Under Secy.

नई दिल्ली, 1 अक्टूबर, 2003

(आयकर)

का.आ. 3448.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “श्री अरविन्दो सोसायटी, कोलकाता” को वर्ष 2004-05 से 2006-07 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यता उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) कि विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 242/2003/फा.सं. 197/131/2003-आयकर नि-1]

देवी शरण सिंह, अवर सचिव

New Delhi, the 1st October, 2003

(Income Tax)

S.O. 3448.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Sri Aurobindo Society, Kolkata” for the purpose of the said sub-clause for the assessment years 2004-2005 to 2006-2007 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 242/2003/F. No. 197/131/2003-ITA-I]

DEVI SHARAN SINGH, Under Secy.

नई दिल्ली, 1 अक्टूबर, 2003

(आयकर)

का.आ. 3449.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “गुड्स ट्रांसपोर्ट लेबर बोर्ड, मुम्बई” को वर्ष 1996-97 से 1998-99 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) कि विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 243/2003/फा.सं. 197/111/2003-आयकर नि-1]

देवी शरण सिंह, अवर सचिव

New Delhi, the 1st October, 2003

(Income Tax)

S.O. 3449.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Goods Transport Labour Board, Mumbai” for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 243/2003/F. No. 197/111/2003-ITA-4]

DEVISHARAN SINGH, Under Secy.

नई दिल्ली, 17 अक्टूबर, 2003

(आयकर)

का.आ. 3450.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "गुड्स ट्रांसपोर्ट लेबर बोर्ड, मुम्बई" को वर्ष 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 245/2003/फा.सं. 197/112/2003-आयकर नि.-1]

आई. पी. एस. बिन्दा, अवर सचिव

New Delhi, the 17th October, 2003

(Income Tax)

S.O. 3450.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Goods Transport Labour Board, Mumbai" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely:-

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 245/2003/F. No. 197/112/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 30 अक्टूबर, 2003

(आयकर)

का.आ. 3451.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “ईआन-इन्डिया, नई दिल्ली” को वर्ष 2002-2003 से 2004-2005 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 270/2003/फा.सं. 197/139/2003-आयकर नि.-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 30th October, 2003

(Income Tax)

S.O. 3451.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “EAN-INDIA, New Delhi” for the purpose of the said sub-clause for the assessment years 2002-2003 to 2004-2005 subject to the following conditions, namely:-

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 270/2003/F. No. 197/139/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 30 अक्टूबर, 2003

(आयकर)

का.आ. 3452.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "ग्रॉसरी मार्केट्स एण्ड शॉप्स बोर्ड, मुम्बई" को वर्ष 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 271/2003/फ.सं. 197/119/2003-आयकर नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 30th October, 2003

(Income Tax)

S.O.3452.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Grocery Markets & Shops Board, Mumbai" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 271/2003/F. No. 197/119/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 30 अक्टूबर, 2003

(आयकर)

का.आ. 3453.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "ग्रॉसरी मार्केट्स एण्ड शॉप्स बोर्ड, मुम्बई" को वर्ष 2002-2003 से 2004-2005 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 272/2003/फा.सं. 197/120/2003-आयकर नि-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 30th October, 2003

(Income Tax)

S.O. 3453.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Grocery Markets & Shops Board, Mumbai" for the purpose of the said sub-clause for the assessment years 2002-2003 to 2004-2005 subject to the following conditions, namely:-

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 272/2003/F. No. 197/120/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 4 नवम्बर, 2003

(आयकर)

का.आ. 3454.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "वेस्ट जोन कल्चरल सेंटर उदयपुर, राजस्थान" को वर्ष 1998-99 से 2000-2001 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :-

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसे कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 274/2003/फा.सं. 197/133/2003-आयकर नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 4th November, 2003

(Income Tax)

S.O. 3454.—In exercise of powers conferred by the Sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “West Zone Cultural Centre, Udaipur, Rajasthan” for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 274/2003/F. No. 197/133/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 4 नवम्बर, 2003

(आयकर)

का.आ. 3455.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “विल्ड्रिन्स फिल्म सोसायटी, नई दिल्ली” को वर्ष 1997-98 से 1999-2000 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में उक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 276/2003/फा.सं. 197/135/2003-आयकर नि-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 4th November, 2003

(Income Tax)

S.O. 3455.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Children's Film Society, New Delhi" for the purpose of the said sub-clause for the assessment years 1997-98 to 1999-2000 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax Authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 276/2003/F. No. 197/135/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 25 नवम्बर, 2003

(आयकर)

का.आ. 3456.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "जर्मन लेप्रोसी रिलीफ एसोसिएशन रिहैबिलिटेशन फंड, चेन्नई" को वर्ष 2001-2002 के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अनुमोदित करती है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 307/2003/फा.सं. 197/148/2003-आयकर नि.-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 25th November, 2003

(Income Tax)

S.O. 3456.—In exercise of powers conferred by the Sub-clause (iv) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “German Leprosy Relief Association Rehabilitation Fund, Chennai” for the purpose of the said sub-clause for the assessment year 2001-2002 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-Tax Authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 307/2003/F. No. 197/148/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 25 नवम्बर, 2003

(आयकर)

का.आ. 3457.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “एग्जिबिशन सोसायटी, हैदराबाद” को वर्ष 2002-2003 से 2004-2005 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खंड के प्रयोजनार्थ अनुमोदित करती है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 308/2003/फा.सं. 197/158/2003-आई टी ए-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 25th November, 2003

(Income Tax)

S.O. 3457.—In exercise of powers conferred by the Sub-clause (iv) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “**Exhibition Society, Hyderabad**” for the purpose of the said sub-clause for the assessment years 2002-2003 to 2004-2005 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax Authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 308/2003/F. No. 197/158/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 25 नवम्बर, 2003

(आयकर)

का.आ. 3458.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “**श्री गडगे महाराज मिशन, मुम्बई**” को वर्ष 2000-2001 से 2002-2003 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 310/2003/फा.सं. 197/152/2003-आई टी ए-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 25th November, 2003

(Income Tax)

S.O. 3458.—In exercise of powers conferred by the Sub-clause (iv) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “**Shree Gadge Maharaj Mission, Mumbai**” for the

purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 310/2003/F. No. 197/152/2003-ITA-I]

I.P.S. BINDRA, Under Secy

नई दिल्ली, 25 नवम्बर, 2003

(आयकर)

का.आ. 3459.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “आल बंगाल वूमैन्स यूनियन, कोलकाता” को वर्ष 1999-2000 से 2001-2002 के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अनुमोदित करता है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 312/2003/फा.सं. 197/138/2003-आई टी ए-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 25th November, 2003

(Income Tax)

S.O. 3459.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “All Bengal Women’s Union, Kolkata” for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years

mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 312/2003/F. No. 197/138/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 25 नवम्बर, 2003

(आयकर)

का.आ. 3460.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “एक्सपोर्ट प्रमोशन काउंसिल फॉर हैंडिक्राफ्ट्स, नई दिल्ली” को वर्ष 2002-2003 से 2004-2005 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अनुमोदित करती है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 314/2003/फा.सं. 197/149/2003-आई टी ए-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 25th November, 2003

(Income Tax)

S.O. 3460.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Export Promotion Council for Handicrafts, New Delhi” for the purpose of the said sub-clause for the assessment years 2002-2003 to 2004-2005 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 314/2003/F. No. 197/149/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 25 नवम्बर, 2003

(आयकर)

का.आ. 3461.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “ **काउंसिल फॉर लैडर एक्सपोर्ट्स, चेन्नई** ” को वर्ष 1992-1993 से 1994-1995 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अनुमोदित करती है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 315/2003/फा.सं. 197/142/2003-आई टी ए-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 25th November, 2003

(Income Tax)

S.O. 3461.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “**Council for Leather Exports, Chennai**” for the purpose of the said sub-clause for the assessment years 1992-1993 to 1994-1995 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 315/2003/F. No. 197/142/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 25 नवम्बर, 2003

(आयकर)

का.आ. 3462.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “अन्नपूर्णा महिला मंडल, मुम्बई” को वर्ष 2000-2001 से 2002-2003 के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अनुमोदित करता है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 316/2003/फा.सं. 197/106/2003-आई टी ए-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 25th November, 2003

(Income Tax)

S.O. 3462.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Annapurna Mahila Mandal, Mumbai” for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 316/2003/F. No. 197/106/2003-ITA-J]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 5 दिसम्बर, 2003

(आयकर)

का.आ. 3463.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “काउंसिल फॉर लेदर एक्सपोर्ट्स, चेन्नई” को वर्ष 1986-87 से 1988-89 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अनुमोदित करती है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त शक्तियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 340/2003/फा.सं. 197/156/2003—आई टी ए-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 5th December, 2003

(Income Tax)

S.O. 3463.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Council for Leather Exports, Chennai” for the purpose of the said sub-clause for the assessment years 1986-87 to 1988-89 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 340/2003/F. No. 197/156/2003-ITA-1]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 5 दिसम्बर, 2003

(आयकर)

का.आ. 3464.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “दि रेलवे गुड्स क्लियरिंग एण्ड फॉरवार्डिंग इस्टाब्लिशमेंट लेबर बोर्ड, मुम्बई” को वर्ष 1993-94

से 1995-96 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) कि विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 341/2003/फा.सं. 197/115/2003-आयकर नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 5th December, 2003

(Income Tax)

S.O. 3464.—In exercise of powers conferred by the Sub-clause (iv) of clause (23 C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “The Railway Goods Clearing & Forwarding Establishment Labour Board, Mumbai” for the purpose of the said sub-clause for the assessment years 1993-1994 to 1995-1996 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 341/2003/F. No. 197/115/2003-ITA-I]

I. P. S. BINDRA, Under Secy.

आदेश

नई दिल्ली, 9 दिसम्बर, 2003

स्टाम्प

का.आ. 3465.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मै. असम कम्पनी लि., कोलकाता को मात्र ग्यारह लाख पच्चीस हजार रुपये का समेकित स्टाम्प शुल्क

अदा करने की अनुमति प्रदान करती है, जो उक्त कम्पनी द्वारा जारी किए जाने वाले केवल पन्द्रह करोड़ रुपये के समग्र मूल्य के 14.5 प्रतिशत सुरक्षित विमोच्य परिवर्तनीय ऋणपत्रों पर स्टाम्प शुल्क के कारण प्राभाय है।

[सं. 41/2003-स्टाम्प-फा. सं. 33/64/2003-बि.क.]

आर.जी. छाबड़ा, अवर सचिव

ORDER

New Delhi, the 9th December, 2003

STAMPS

S.O. 3465.—In exercise of powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Assam Company Limited, Kolkata to pay consolidated stamp duty of rupees eleven lakh twenty five thousand only chargeable on account of the stamp duty on 14.5% secured redeemable convertible Debentures aggregating to rupees fifteen crore only, to be issued by the said Company.

[No. 41/2003/STAMP-F. No. 33/64/2003-ST]

R.G. CHHABRA, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 12 दिसम्बर, 2003

(आयकर)

का.आ. 3466.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग 'टेक्नोलॉजी भवन' न्यू महमूदी रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खातों की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रो, पांचवा तल, कोलकाता-700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स संधाता मेडिकल रिसर्च सोसायटी, एक्सटेंशन एरिया, मिराज जिला, सांगली (महाराष्ट्र)	1-4-2001 से 31-3-2003

टिप्पणी :— अधिसूचित संस्था को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर/आयुक्त आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना सं. 343/2003/फा.सं. 203/101/2003-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

(Central Board of Direct Taxes)

New Delhi, the 12th December, 2003

(Income Tax)

S.O. 3466.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income Tax (Exemptions), 10 Middleton Row, 5th Floor, Kolkata-700071 (b) the Secretary, Department of Scientific and Industrial Research, and (c) the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income Tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which Notification is effective
1.	M/s. Sandhata Medical Research Society, Extension Area, Miraj Distt., Sangli (Maharashtra)	1-4-2001 to 31-3-2003

Note : The notified Institution is advised to apply in triplicates as well in advance for renewal of the approval to the Central Government through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 343/2003/F.No. 203/101/2003-ITA-II]

SANGEETA GUPTA, Director (ITA-II)

नई दिल्ली, 12 दिसम्बर, 2003

(अयकर)

का. आ. 3667.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संस्था अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संस्था प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग "टेक्नोलॉजी भवन" न्यू महारौली रोड, नई दिल्ली-110016 को प्रस्तुत करेगा;
- (iii) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट), 10 मिडिलटन रो, पांचवां तल, कोलकाता-700071

(ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स सेंटर फार डेवलपमेंट ऑफ टेलिमेटिक्स, (सी डी ओ टी) 9वां तल, अकबर भवन, चाणक्यपुरी, नई दिल्ली-21	1-4-1999 से 31-3-2001

टिप्पणी : अधिसूचित संस्था को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना संख्या 344/2003/फ.सं. 203/28/2002-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

New Delhi, the 12th December, 2003

(Income Tax)

S.O. 3467.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income Tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- The notified Institution shall maintain separate books of account for its research activities;
- The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income Tax (Exemptions), 10 Middleton Row, 5th Floor, Kolkata-700071 (b) the Secretary, Department of Scientific and Industrial Research, and (c) the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (1) of Section 35 of Income Tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which Notification is effective
1.	M/s. Centre for Development of Telenatics, (C-DOT) 9th floor, Akbar Bhawan Chanakyapuri, New Delhi-21.	1-4-1999 to 31-3-2001

Note : The notified Institution is advised to apply in triplicates as well in advance for renewal of the approval to the Central Government through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 344/2003/F.No. 203/28/2002-ITA-II]

SANGEETA GUPTA, Director (ITA-II)

नई दिल्ली, 12 दिसम्बर, 2003

(आयकर)

का. आ. 3468.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अधोलिखित संगठन को उसके नाम के सामने उल्लिखित अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ "संघ" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अधिसूचित संघ अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगी;
- (ii) अधिसूचित संघ प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग "टेक्नोलॉजी भवन" न्यू महारौली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी;
- (iii) अधिसूचित संघ केन्द्र सरकार की तरफ से नामोद्दिष्ट निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों, जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की भी एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट), 10 मिडिलटन रो, पांचवां तल, कोलकाता-700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगी।

क्रम सं.	अनुमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है
1.	मैसर्स सेंटर फार डेवलपमेंट ऑफ एडवान्स कम्प्युटिंग, पुणे यूनिवर्सिटी कैम्पस, पुणे-411007	1-4-2002 से 31-3-2004

टिप्पणी : अधिसूचित संघ को सलाह दी जाती है कि वह अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना संख्या 342/2003/फ.सं. 203/99/2003-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

New Delhi, the 12th December, 2003

(Income Tax)

S.O. 3468.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned below, for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income Tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Association" subject to the following conditions :—

- (i) The notified Association shall maintain separate books of accounts for its research activities;
- (ii) The notified Association shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Association shall submit, on behalf of the Central Government, to (a) the Director General of Income Tax (Exemptions), 10 Middleton Row, 5th Floor, Kolkata-700071 (b) the Secretary, Department of Scientific and Industrial Research, and (c) the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation, on or before the 31st October each year, a copy of

its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income Tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which Notification is effective
1.	M/s. Centre for Development of Advanced Computing, Pune University Campus, Pune-411 007.	1-4-2002 to 31-3-2004

Note : The notified Association is advised to apply in triplicate as well in advance for renewal of the approval to the Central Government through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 342/2003/F.No. 203/99/2003-ITA-II]

SANGEETA GUPTA, Director (ITA-II)

नई दिल्ली, 15 दिसम्बर, 2003

(आयकर)

का.आ. 3469.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “दि ट्रिब्यून ट्रस्ट, चंडीगढ़” को वर्ष 2004-2005 से 2006-2007 के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अनुमोदित करती है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 345/2003/फा.सं. 197/114/2003-आई टी ए-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 15th December, 2003

(Income Tax)

S.O. 3469.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “The Tribune Trust, Chandigarh” for the purpose of the said sub-clause for the assessment years 2004-2005 to 2006-2007 subject to the following conditions, namely:-

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 345/2003/F. No. 197/114/2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 15 दिसम्बर, 2003

(आयकर)

का.आ. 3470.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा "नेशनल स्टॉक एक्सचेंज इन्वेस्टर्स प्रोटेक्शन फंड ट्रस्ट, मुम्बई" को वर्ष 1996-1997 से 1998-1999 के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अनुमोदित करती है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 346/2003/फा.सं. 197/146/97-आई टी ए-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 15th December, 2003

(Income Tax)

S.O. 3470.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "National Stock Exchange Investors Protection Fund Trust, Mumbai" for the purpose of the said sub-clause for the assessment years 1996-1997 to 1998-1999 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 346/2003/F. No. 197/146/97-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 16 दिसम्बर, 2003

का. आ. 3471.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 2ड के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23छ) के प्रयोजनार्थ कर निर्धारण वर्ष 2002-2003, 2003-2004 और 2004-2005 के लिए नीचे पैरा (3) में उल्लिखित उद्यम/औद्योगिक उपक्रम को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि :—

- (i) उद्यम/औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 2ड के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23छ) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा;
- (ii) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम/औद्योगिक उपक्रम :—
 - (क) अवसंरचनात्मक सुविधा को जारी रखना बंद कर देता है; अथवा
 - (ख) खाता-बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 2ड के उप नियम (7) द्वारा यथा अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है; अथवा
 - (ग) आयकर नियमावली, 1962 के नियम 2ड के उप नियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम/औद्योगिक उपक्रम है :—

मैसर्स भारती सेल्यूलर लिमिटेड, एच. 5/12, कुतुब एम्बिएंस (कुतुब मीनार), महरौली रोड, नई दिल्ली को लाइसेंस संख्या 842-381/2001-वी.एस.एस. दिनांक 28 सितम्बर, 2001 के अंतर्गत महाराष्ट्र में, लाइसेंस संख्या 842-381/2001-वी.एस.एस./उत्तर प्रदेश (पश्चिम) के अंतर्गत उत्तर प्रदेश (पश्चिम) में; लाइसेंस संख्या 842-381/2001-वी.एस.एस./मुम्बई दिनांक 28 सितम्बर, 2001 के अंतर्गत मुम्बई में; लाइसेंस संख्या 842-381/2001-वी.एस.एस./केरल में; लाइसेंस संख्या 842-381/2001-वी.एस.एस./हरियाणा दिनांक 28 सितम्बर, 2001 के अंतर्गत हरियाणा में; लाइसेंस संख्या 842-381/2001-वी.एस.एस./मध्य प्रदेश में; लाइसेंस संख्या 842-381/2001-वी.एस.एस./गुजरात दिनांक 28 सितम्बर, 2001 के अंतर्गत गुजरात में; सेल्यूलर मोबाईल टेलीफोन सेवाएं प्रदान करने के लिए सहायक महानिदेशक (वी.एस.एस.) दूर संचार विभाग तथा आवेदक के माध्यम से भारत के राष्ट्रपति के बीच हुए उपर्युक्त सभी लाइसेंस करार निष्पन्न किए गए। (फा. सं. 205/28/2002-आई.टी.ए.-II)

4. अधिसूचना संख्या 377/2001 दिनांक 28 दिसम्बर, 2001 के तहत आवेदक को दिल्ली में सेल्यूलर मोबाईल टेलीफोन सेवाएं प्रदान करने के लिए पहले ही अधिसूचित किया जा चुका है।

[अधिसूचना सं. 349/2003/फा. सं. 205/28/2002-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

New Delhi, the 16th December, 2003

S.O. 3471.—It is notified for general information that enterprise/undertaking, listed at para (3) below has been approved by the Central Government for the purpose of Section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2002-2003, 2003-2004 and 2004-2005.

2. The approval is subject to the condition that—

- (i) the enterprise/industrial undertaking will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;
- (ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking :—
 - (a) ceases to carry on infrastructure facility; or
 - (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
 - (c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprise/industrial undertaking approved is—

M/s Bharti Cellular Ltd., H-5/12, Qutab Ambience (at Qutab Minar), Mehrauli Road, New Delhi-110030 for providing Cellular Mobile Telephone Services in Maharashtra vide licence No. 842-381/2001-VAS dated 28th September, 2001; in UP (West) vide licence No. 842-381/2001-VAS/UP (West); in Mumbai vide licence No. 842-381/2001-VAS/Mumbai dated 28th September, 2001; in Kerala vide licence No. 842-381/2001-VAS/Kerala dated 28th September, 2001; in Tamil Nadu vide licence No. 842-381/2001-VAS/Tamil Nadu dated 28th September, 2001; in Haryana vide licence No. 842-381/2001-VAS/Haryana dated 28th September, 2001; in Madhya Pradesh vide licence No. 842-381/2001-VAS/Madhya Pradesh dated 28th September, 2001; in Gujarat vide licence No. 842-381/2001-VAS/Gujarat dated 28th September, 2001; all the aforementioned licence agreements entered into between the President of India acting through Asstt. Director General (VAS-I), Department of Telecommunications and the applicant.

4. The applicant is already notified for providing Cellular Mobile Service in Delhi for providing Cellular Mobile Telephone Service vide notification No. 377/2001 dated 28th December, 2001

[Notification No. 349/2003/F. No. 205/28/2002-ITA-II]

SANGEETA GUPTA, Director (ITA-II)

नई दिल्ली, 16 दिसम्बर, 2003

का. आ. 3472.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 2ड के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के प्रयोजनार्थ कर निर्धारण वर्ष 2002-2003, 2003-2004 और 2004-2005 के लिए नीचे पैरा (3) में उल्लिखित उद्यम/औद्योगिक उपक्रम को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि :—

- (i) उद्यम/औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 2ड के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23छ) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा;
- (ii) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम/औद्योगिक उपक्रम :—
 - (क) अवसंरचनात्मक सुविधा को जारी रखना बंद कर देता है; अथवा
 - (ख) खाता-बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 2ड के उप नियम (7) द्वारा यथा अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है; अथवा
 - (ग) आयकर नियमावली, 1962 के नियम 2ड के उप नियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम/औद्योगिक उपक्रम है :—

मैसर्स भारती टेलीनेट लिमिटेड, एच. 5/12, महारौली रोड, नई दिल्ली को लाइसेंस संख्या 18-43/2001-बी.एस.-II/तमिलनाडु दिनांक 29 अक्टूबर, 2001; संख्या 18-41/2001-बी.एस.-II/हरियाणा दिनांक 8 अक्टूबर, 2001; संख्या 18-40/2001-बी.एस.-II/कर्नाटक दिनांक 29 अक्टूबर, 2001; संख्या 18-42/2001-बी.एस.-II/दिल्ली दिनांक 29 अक्टूबर, 2001; के अंतर्गत तमिलनाडु, हरियाणा कर्नाटक तथा दिल्ली में बुनियादी टेलीफोन सेवाएं उपलब्ध कराने की उनकी परियोजना के लिए।

[अधिसूचना सं. 348/2003/फा. सं. 205/24/2002-आयकर नि.-II]

संगीता गुप्ता, निदेशक (आयकर नि.-II)

New Delhi, the 16th December, 2003

S.O. 3472.—It is notified for general information that enterprise/industrial undertaking, listed at para (3) below has been approved by the Central Government for the purpose of Section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2002-2003, 2003-2004 and 2004-2005.

2. The approval is subject to the condition that—

- (i) the enterprise/industrial undertaking will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;
- (ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking :—
 - (a) ceases to carry on infrastructure facility; or
 - (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
 - (c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprise/industrial undertaking approved is—

M/s Bharti Telene Limited. H-5/12, Mehrauli Road, New Delhi-110030 for their project of providing Basic Telephone Services in Tamil Nadu, Haryana, Karnataka and Delhi vide Licence No. 18-43/2001-BS-II/Tamil Nadu dated 29th October, 2001; No. 18-41/2001-BS-II/Haryana dated 8th October, 2001; No. 18-40/2001-BS-II/Karnataka dated 29th October, 2001; No. 18-42/2001-BS-II/Delhi dated 29th October, 2001.

[Notification No. 348/2003/F. No. 205/24/2002-ITA-II]

SANGEETA GUPTA, Director (ITA-II)

नई दिल्ली, 16 दिसम्बर, 2003

का.आ. 3473.—आयकर अधिनियम, 1961 की धारा 10 के खंड (23छ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा अधिसूचना संख्या 98/2001 दिनांक 29 अप्रैल, 2001 के पैरा 3 (ii) में अनुमोदित उद्यम/औद्योगिक उपक्रम के नाम में निम्नलिखित संशोधन करती है जिसका पाठ निम्नवत होगा :

“मैसर्स स्पाईस सैल लिमिटेड, व्हाइट हाउस, तृतीय तल, 119 पार्क स्ट्रीट, कलकत्ता-700016 के स्थान पर दिनांक 3-8-2001 के प्रभाव से मैसर्स भारती मोबिटेल् लिमिटेड, एच 5/12, कुतुब एम्बिएंस, महारौली रोड, नई दिल्ली-110019”।

[अधिसूचना सं. 347/2003/फा.सं. 205/76/2000 आयकर नि-II]

संगीता गुप्ता, निदेशक (आयकर नि-II)

New Delhi, the 16th December, 2003

S.O. 3473.—In exercise of the powers conferred by clause (23G) of Section 10 of the Income-Tax Act, 1961, the Central Government hereby makes the following amendment in the name of the enterprise/industrial undertaking approved in para 3(ii) of the notification No. 98/2001 dated 29th April, 2001 to read as :—

“M/s. Bharti Mobitel Ltd, H-5/12, Qutab Ambience, Mehrauli Road, New Delhi-110019 in place of M/s. Spice Cell Ltd., White House, 3rd Floor, 119, Park Street, Calcutta-700016 w.e.f. 03-08-2001”.

[Notification No. 347/2003 /F. No. 205/76/2000/ITA-II]

SANGEETA GUPTA, Director (ITA-II)

नई दिल्ली, 16 दिसम्बर, 2003

का.आ. 3474.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 2ड के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के प्रयोजनार्थ कर निर्धारण वर्ष 2000-2001, 2001-2002 और 2002-2003 के लिए नीचे पैरा (3) में उल्लिखित उद्यम/औद्योगिक उपक्रम को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि :—

- (i) उद्यम/औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 2ड के साथ पठित आयकर अधिनियम, 1961 की धारा 10 (23 छ) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा;
- (ii) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम/औद्योगिक उपक्रम :
 - (क) अवसरचनात्मक सुविधा को जारी रखना बंद कर देता है; अथवा
 - (ख) खाता बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 2ड के उप-नियम (7) द्वारा यथा अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है; अथवा
 - (ग) आयकर नियमावली, 1962 के नियम 2ड के उप-नियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम/औद्योगिक उपक्रम है :—

मैसर्स अशोक इन्फ्रा प्रा० लिमिटेड, प्लॉट सं० 417/ 418/ 419, मार्केट यार्ड, गुलटेकादी, पुणे-411037 को महाराष्ट्र सरकार, मैसर्स अशोक बिल्डकॉन प्रा० लि० और मैसर्स अशोक इन्फ्रा प्रा० लिमिटेड के मध्य दिनांक 23-3-99 को हुए करार के अनुसार निर्माण, परिचालन और हस्तांतरण (बी. ओ. टी.) आधार पर चुंगी अधिकारों वाले सांगली बाई पास रोड तथा इसके सम्पर्क मार्गों पर शेरी नाला के निकट कृष्णा नदी पर एक बड़े पुल के निर्माण की उनकी परियोजना के लिए।

[अधिसूचना सं. 350/2003/फा.सं. 205/2/2001 आयकर नि-II]

संगीता गुप्ता, निदेशक (आयकर नि-II)

New Delhi, the 16th December, 2003

S.O. 3474.—It is notified for general information that enterprise/industrial undertaking, listed at para (3) below has been approved by the Central Government for the purpose of Section 10 (23 G) of the Income-tax Act, 1961 read with rule 2E of the Income-tax Rules, 1962, for the assessment years 200-2001, 2001-2002 and 2002-2003.

2. The approval is subject to the condition that—

- (i) the enterprise/industrial undertaking will conform to and comply with the provisions of Section 10 (23 G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;

(ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking :—

- (a) ceases to carry on infrastructure facility; or
- (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
- (c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprise/industrial undertaking approved is—

M/s Ashoka Infra Pvt. Limited, Plot No. 417/418/419, Market Yard, Gultekadi, Pune-411037 for their project of construction of Major bridge across river Krishna near Sheri Nallah on the Sangli by-pass road and its approaches with tool rights on Build, Operate and Transfer (BOT) basis as per agreement dt. 23-03-99 between Government of Maharashtra, Ms. Ashoka Buildcon Pvt. Ltd. and M/s Ashoka Infra Pvt. Limited.

[Notification No. 350/2003 /F. No. 205/2/2001/IT A- II]

SANGEETA GUPTA, Director (ITA-II)

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 17 दिसम्बर, 2003

का.आ. 3475.— भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 19 के खण्ड (ख) और धारा 20 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्द्वारा, श्री चन्दन भट्टाचार्य, उप प्रबंध निदेशक, भारतीय स्टेट बैंक को उनके द्वारा कार्यभार ग्रहण करने की तारीख से 31-1-2005 तक की अवधि के लिए, अर्थात् उनकी अधिवर्षिता की तारीख या अगले आदेशों तक, इनमें से जो भी पहले हो, 24050-650-26000 रुपये के वेतनमान में भारतीय स्टेट बैंक के प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा. सं. 8/4/2003 बीओ-1]

रमेश चन्द, अवर सचिव

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 17th December, 2003

S.O. 3475.—In exercise of the powers conferred by clause (b) of Section 19 and Sub-section (1) of Section 20 of the State bank of India Act, 1955 (23 of 1955), the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Chandan Bhattacharya, Deputy Managing Director, State Bank of India as Managing Director, State Bank of India in the pay scale of Rs. 24050-650-26000 with effect from the date of his taking charge and upto 31-01-2005 i.e. the date of his superannuation or until further orders, whichever is earlier.

[F. No. 8/4/2003-B.O. I]

RAMESH CHAND, Under Secy.

वाणिज्य और उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 10 दिसम्बर, 2003

का.आ. 3476.— केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12 के उप-नियम (2) के साथ पठित निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैमर्स ईटालैब (गोवा) प्राइवेट लि०, पी० ओ० बॉक्स नं० 103, लोटलिकर बिल्डिंग, मारगांव-403601, गोवा को इस अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए खनिज और अयस्क, ग्रुप-I अर्थात् वाणिज्य मंत्रालय की अधिसूचना सं० का०आ० 3975 तारीख 20 दिसम्बर, 1965 के साथ संलग्न अनुसूची में विनिर्दिष्ट कैल्साइड बोक्साइट सहित लोहा अयस्क, मैंगनीज अयस्क, फैरो मैंगनीज स्लैम सहित फैरोमैंगनीज, बोक्साइट के निर्यात पूर्व गोवा में निरीक्षण करने के लिए एक अधिकरण के रूप में निम्न शर्तों के अन्तर्गत मान्यता प्रदान करती है, अर्थात् :—

- (i) मैमर्स ईटालैब (गोवा); प्रा० लि० खनिज और अयस्क ग्रुप-I के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण प्रमाण-पत्र देने के लिए उनके द्वारा अपनाई गई निरीक्षण की पद्धति की जांच करने के लिए इस संबंध में निर्यात निरीक्षण परिषद द्वारा नामित अधिकारियों को पर्याप्त सुविधाएं देगी;

- (ii) मैसर्स ईटालैब (गोवा); प्रा० लि० इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों से आबद्ध होगा जो निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12 के उपनियम (1) के अधीन समय-समय पर लिखित में दिए जाएंगे।

[फा. सं. 5/5/2003-ई आई एण्ड ई पी]

राज सिंह, उप-सचिव

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 10th December, 2003

S.O. 3476.—In exercise of the powers conferred by Sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises for a period of three years from the date of publication of this notification, M/s Italab (Goa) Pvt. Ltd., P.O. Box No. 103, Lotlikar building, Margaon 403601 Goa, as an agency for the inspection of Minerals and Ores, Group-I, namely, Iron Ore, Manganese Ore, Ferromanganese including Ferromanganese slag, Bauxite, including Calcined Bauxite, specified in the Schedule annexed to the Ministry of Commerce notification number S.O. 3975, dated 20th December, 1965, prior to export at Goa, subject to the following conditions, namely :—

- (i) that M/s Italab (Goa) Pvt. Ltd. shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores Group I (Inspection) Rules, 1965;
- (ii) that M/s Italab (Goa) Pvt. Ltd. in the performance of their function under this notification shall be bound by such directives as may be given in writing from time to time under Sub-rule (1) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964.

[F. No. 5/5/2003-EI & EP]

RAJ SINGH, Dy. Secy.

नई दिल्ली, 10 दिसम्बर, 2003

का.आ. 3477.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12 के उपनियम (2) के साथ पठित निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एसन एण्ड कंपनी, 106, 8वां मेन रोड, मालेश्वरम वेस्ट, बंगलौर-560055 में स्थित, को इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए खनिज और अयस्क, (ग्रुप-I) अर्थात् लोहा अयस्क, मैंगनीज अयस्क और (ग्रुप-II) अर्थात् वाणिज्य मंत्रालय की अधिसूचना सं० का०आ० 3975 तारीख 20 दिसम्बर, 1965 और का०आ० 3978 तारीख 20 दिसम्बर, 1965 के साथ संलग्न अनुसूची में विनिर्दिष्ट फेल्डस्पार, रेड ऑक्साइड, स्टीटाइट और बाराइट्स में बंगलौर/मंगलौर में निर्यात से पूर्व निरीक्षण के लिए एक अभिकरण के रूप में निम्नलिखित शर्तों के अधीन रहते हुए मान्यता प्रदान करती है, अर्थात् :—

- (i) मैसर्स एसन एण्ड कंपनी, बंगलौर निर्यात निरीक्षण परिषद द्वारा इस संबंध में नामित अधिकारियों को अपने द्वारा अपनाई गई निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगी ताकि खनिज तथा अयस्क का निर्यात ग्रुप-I (निरीक्षण) नियम, 1965 के नियम 4 के अधीन तथा खनिज और अयस्क का निर्यात ग्रुप-II (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण प्रमाण-पत्र दिया जा सके।
- (ii) मैसर्स एसन एण्ड कंपनी, बंगलौर इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगा जो निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12 के उपनियम (1) के अधीन समय-समय पर लिखित रूप में दिए जाएंगे।

[फा.सं. 5/3/2003-ई आई एंड ई पी]

राज सिंह, उप-सचिव

New Delhi, the 10th December, 2003

S.O. 3477.—In exercise of the powers conferred by Sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) read with Sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises for a period of three years, from the date of publication of this notification, M/s Essen & Co., located at 106, 8th Main Road, Malleswaram West, Bangalore-560055, as an agency for the inspection of Minerals and Ores (Group-I), namely, Iron Ore, Manganese Ore and (Group-II), namely, Feldspar, Red Oxide, Steatite and Barytes, specified in the Schedule annexed to the Ministry of Commerce notification number S.O. 3975, dated the 20th

December, 1965 and S.O. 3978 dated the 20th December, 1965, prior to export at Bangalore/Mangalore, subject to the following conditions, namely :—

- (i) that M/s Essen & Co., Bangalore shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores Group I (Inspection) Rules, 1965 and under rule 4 of the Export of Minerals and Ores Group II (Inspection) Rules, 1965;
- (ii) that M/s Essen & Co., Bangalore in the performance of their function under this notification shall be bound by such directives as may be given in writing from time to time under Sub-rule (1) of rule (12) of the Export (Quality Control and Inspection) Rules, 1964.

[F. No. 5/3/2003-EI & EP]

RAJ SINGH, Dy. Secy.

नई दिल्ली, 10 दिसम्बर, 2003

का.आ. 3478.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12 के उपनियम (2) के साथ पठित निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत के राजपत्र भाग-II, खंड 3, उपखंड (ii) तारीख 16 जून, 2001 को प्रकाशित वाणिज्य और उद्योग मंत्रालय के सं. का.आ. 1316, तारीख 31 मई, 2001 के अधिक्रमण में, मैसर्स थैराप्यूटिक्स केमिकल रिसर्च कारपोरेशन, “प्रालाव” जो कि नया नं. 6 (पुराना नं. 9ए), फर्स्ट स्ट्रीट, सेकेन्ड एवेन्यू, अशोक नगर, चेन्नई-600083 में स्थित है और जिसका प्रधान कार्यालय शिव इन्डस्ट्रीयल एस्टेट, दूसरी मंजिल, क्रान्ति वीराभाई बालमुकुन्द रोड, निकट बाईकुला गुड्स डिपो, बाईकुला, मुम्बई-400012 में है, को इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए खनिज और अयस्क (ग्रुप-I) अर्थात् लोहा अयस्क, मैंगनीज अयस्क और (ग्रुप-II) अर्थात् वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3975, तारीख 20 दिसम्बर, 1965 तथा का.आ. 3978, तारीख 20 दिसम्बर, 1965 के साथ संलग्न अनुसूची में विनिर्दिष्ट फेल्डस्पार, रेड आक्साइड स्टीटाइट और बाराइट्स का निर्यात पूर्व निरीक्षण के लिए अधिकरण के रूप में निम्न शर्तों के अधीन रहते हुए मान्यता प्रदान करती है, अर्थात् :—

- (i) मैसर्स थैराप्यूटिक्स केमिकल रिसर्च कारपोरेशन, चेन्नई खनिज और अयस्क ग्रुप-I के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 तथा खनिज और अयस्क ग्रुप-II (निरीक्षण) नियम, 1965 के नियम 4 के अंतर्गत निरीक्षण का प्रमाण-पत्र देने के लिए उनके द्वारा अपनाई गई निरीक्षण पद्धति की जांच करने के लिए इस संबंध में निर्यात निरीक्षण परिषद् द्वारा नामित अधिकारियों को पर्याप्त सुविधाएं देगी ;
- (ii) मैसर्स थैराप्यूटिक्स केमिकल रिसर्च कारपोरेशन, चेन्नई इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों से आबद्ध होगा जो निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12 के उपनियम (1) के अधीन समय-समय पर लिखित में दिये जाएंगे।

[फा.सं. 5/1/2003-ई आई एण्ड ई पी]

राज सिंह, उप-सचिव

New Delhi, the 10th December, 2003

S.O. 3478.—In exercise of the powers conferred by Sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) read with Sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964. and in supersession of the Government of India in the Ministry of Commerce and Industry number S.O. 1316, dated the 31st May, 2001 published in the Gazette of India Part-II, Section 3, Sub-section (ii), dated the 16th June, 2001, the Central Government hereby recognises for a period of three years from the date of publication of this notification, M/s Therapeutics Chemical Research Corporation, ‘Pralaav’, located at New No. 6 (Old No. 9A), First Street, Second Avenue, Ashok Nagar, Chennai-600083 and having their Head Office at Shiv Industrial Estate, Second Floor, Kranti Veerabhai Balmukund Road, Near Byculia Goods Depot, Byculia, Mumbai-400012, as an agency for the inspection of Minerals and Ores (Group-I), namely, Iron Ore, Manganese Ore and (Group-II), namely, Feldspar, Red Oxide, Steatite and Barytes, specified in the Schedules annexed to the Ministry of Commerce notification numbers S.O. 3975, dated 20th December, 1965 and S.O. 3978 dated 20th December, 1965, prior to export, subject to the following conditions, namely :—

- (i) that M/s Therapeutics Chemical Research Corporation, Chennai shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores Group I (Inspection) Rules, 1965 and under rule 4 of the Export of Minerals and Ores Group II (Inspection) Rules, 1965;
- (ii) that M/s Therapeutics Chemical Research Corporation, Chennai in the performance of their function under this notification shall be bound by such directives as may be given in writing from time to time under Sub-rule (1) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964.

[File No. 5/1/2003-EI & EP]

RAJ SINGH, Dy. Secy.

कोयला मंत्रालय

नई दिल्ली, 18 दिसम्बर, 2003

का. आ. 3479.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा 1 के अधीन जारी की गई, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 14 जून, 2003 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 1643 तारीख 30 मई, 2003 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में, जिसका माप 87.884 हेक्टर या 217.16 एकड़ (लगभग) है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार को यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला अभिप्राप्य है;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इससे संलग्न अनुसूची में वर्णित 87.884 हेक्टर (लगभग) या 217.16 एकड़ (लगभग) माप की भूमि में खनिजों का खनन, खुदाई, बोर, खोज तथा तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और ले जाने के अधिकारों का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पणी 1. इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक संख्या एस.ई.सी.एल./ बी.एस.पी./जी.एस.(योजना)/भूमि, 272 तारीख 11 अगस्त, 2003 का निरीक्षण कलेक्टर, कोरबा (छत्तीसगढ़) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) सीपत रोड, बिलासपुर - 495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है।

टिप्पणी 2. पूर्वोक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है :—

“8(1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्ही अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण :—इस धारा के अर्थान्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करना चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है, वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्टें केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।”

टिप्पणी 3. केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता को उक्त अधिनियम के धारा 3 के अधीन भारत के राजपत्र, भाग II खंड 3, उपखंड (ii) तारीख 4 अप्रैल, 1987 के पृष्ठ 1397 से 1400 में प्रकाशित अधिसूचना सं. का. आ. 905 तारीख 20 मार्च, 1987 द्वारा सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची**ढेलवाडीह दूसरा विस्तार ब्लाक****कोरबा कोलफील्ड****कोरबा क्षेत्र****जिला - कोरबा क्षेत्र (छत्तीसगढ़)****खनन अधिकार**

ब्लाक “क”

क्रम संख्या	ग्राम का नाम	पटवारी हल्का सं.	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पण
01	अभयपुर	41	कटघोरा	कोरबा	17.560	भाग
02	ढेलवाडीह	42	कटघोरा	कोरबा	28.834	भाग
					योग :	46.394 हेक्टर

(1) ग्राम अभयपुर (भाग) में अर्जित किए जाने वाले प्लाट संख्यांक :—

1 (भाग), 34 (भाग),

(2) ग्राम ढेलवाडीह (भाग), में अर्जित किए जाने वाले प्लाट संख्यांक -78/1 (भाग), 134, 135, 136 (भाग), 137 (भाग), 138 (भाग), 139 से 160, 161 (भाग), 190 (भाग), 192 (भाग), 193 से 196, 197 (भाग), 198 (भाग), 199 (भाग)

सीमा वर्णन

क-ख रेखा ग्राम अभयपुर-ढेलवाडीह की सम्मिलित सीमा पर बिन्दु "क" से आरंभ होती है और ग्राम ढेलवाडीह के प्लाट संख्या 78/1, 136, 137, 138, 199, 198, 197, 192, 190, 161 से होकर बिन्दु "ख" पर मिलती है।

ख-ग-ग1 रेखा ग्राम ढेलवाडीह की प्लाट संख्या 161 की भागतः उत्तर पूर्वी दिशा, प्लाट संख्या 161 के मध्य से, प्लाट संख्या 158 की उत्तरी दिशा, प्लाट संख्या 158, 154, 153, 152, 149 की पूर्वी दिशा, बाद में प्लाट संख्या 78/1 से होते हुए बिन्दु "ग1" पर मिलती है।

ग1-ग2-घ-क रेखा ग्राम अभयपुर के प्लाट संख्या 34, 1 से होते हुई आरंभिक बिन्दु "क" पर मिलती है।

अनुसूची (जारी)

खनन अधिकारी

ब्लाक "ख"

क्रम संख्या	ग्राम का नाम	पटवारी हल्का सं.	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पण
01	ढेलवाडीह	42	कटघोरा	कोरबा	9.883	भाग
02	ढबढब	42	कटघोरा	कोरबा	24.112	भाग
03	अरदा	48	कटघोरा	कोरबा	07.495	भाग

योग - 41.490 हेक्टर

कुल योग : (ब्लाक क + ख) = 87.884 हेक्टर (लगभग) या
= 217.16 एकड़ (लगभग)

(1) ग्राम ढेलवाडीह (भाग) में अर्जित किए जाने वाले प्लाट संख्यांक :—

315/1 के (भाग), 345 (भाग), 346 (भाग), 347, 348 (भाग), 349 (भाग)

(2) ग्राम ढबढब (भाग) में अर्जित किए जाने वाले प्लाट संख्यांक :

325 (भाग), 340, 341 (भाग), 374 (भाग), 375 (भाग), 376 (भाग), 377, 378, 379, 380 (भाग), 381 (भाग), 382 (भाग), 383, 384, 385, 386 (भाग), 387, 388, 389, 390 (भाग), 395 (भाग)

(3) ग्राम अरदा (भाग) में अर्जित किए जाने वाले प्लाट संख्यांक

8 (भाग), 9 (भाग), 11 (भाग), 12 (भाग), 13 से 16, 17 (भाग), 18, 19 (भाग), 20 (भाग), 72 (भाग), 100 (भाग), 101 (भाग),

सीमा वर्णन

ड-च-छ रेखा ग्राम ढेलवाडीह में बिन्दु "ड" से आरंभ होती है और ग्राम ढेलवाडीह के प्लाट संख्या 315/1क, 346, 345, 315/1क, से होती हुई ग्राम ढबढब में प्रवेश करती है और प्लाट संख्या 382, 381, 380, 374, 375, 376, 341, 325 से होती हुई बिन्दु "छ" पर मिलती है।

छ-छ1-ज रेखा ग्राम अरदा के प्लाट संख्या 19, 8, 9, 11, 12, 101, 100, 101, 12, 72, 12, 20, 19, से होती हुई बिन्दु "ज" पर मिलती है।

ज-ज1-ड रेखा ग्राम ढबढब के प्लाट संख्या 325 की भागतः दक्षिणी सीमा, प्लाट संख्या 395, 341, 390, 395 से होती हुई ग्राम ढेलवाडीह में प्रवेश करती है और प्लाट संख्या 348, 349, 315/1क से होती हुई आरंभिक बिन्दु "ड" पर मिलती है।

[सं. 43015/13/2002 पी.आर.आई.डब्ल्यू.]

संजय बहादुर, निदेशक

MINISTRY OF COAL

New Delhi, the 18th December, 2003

S.O. 3479.—Whereas by the notification of Government of India in the Ministry of Coal, Number S.O. 3463 dated the 30th May, 2003, issued under sub-section (i) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said act) and published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 14th June, 2003, the Central Government gave notice of its intention to prospect for coal in the lands measuring 87.884 hectares (approximately) or 217.16 acres (approximately) in the locality specified in the Schedule appended to that notification;

And, whereas the Central Government is satisfied that coal is obtainable in a part of the said lands;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 7 of the said Act, the Central Government, hereby gives notice of its intention to acquire the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the land measuring 87.884 hectares (approximately) or 217.16 acres (approximately), described in the Schedule appended hereto.

Note 1—The plan bearing No. SECL/BSP/GM(Plg)/Land/272 dated the 11th August, 2003 of the area covered by this notification may be inspected in the office of the Collector, Korba (Chhattisgarh), or in the Office of the Coal Controller 1, Council House Street, Calcutta, or in the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495006 (Chhattisgarh).

Note 2—Attention is hereby invited to the provisions of section 8 of the aforesaid Act, which provides as follows :

“8(1) any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, (either make a report in respect of the land which has been notified under sub-section (i) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government).

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under his Act”.

Note 3—The Coal Controller, 1, Council House Street, Calcutta has been appointed by the Central Government as the competent authority under section 3 of the said Act, vide notification under S.O. No. 905 dated the 20th March, 1987, published in part II, Section 3, Sub-section (ii) of the Gazette of India dated the 4th April, 1987, at pages 1397 to 1400.

SCHEDULE

**Dhelwadih 2nd Extension Block
Korba Coalfields, Korba Area
District—Korba (Chhattisgarh)**

Mining Rights**Block—“A”**

Serial number	Name of village	Patwari halk number	Tahsil	District	Area in hectare	Remarks
01.	Abhaipur	41	Katghora	Korba	17.560	Part
02.	Dhelwadih	42	Katghora	Korba	28.834	Part
Total :					46.394 Hectares	

(1) Plot numbers to be acquired in village Abhaipur (part) :—

1 (part), 34 (part).

(2) Plot numbers to be acquired in village Dhelwadih (part) :—

78/1(part), 134, 135, 136(part), 137(part), 138(part), 139 to 160, 161(part), 190(part), 192(part), 193 to 196, 197(part), 198(part), 199(part).

Boundary description—

A-B Line starts from point "A" on the common boundary of villages Abhaipur-Dhelwadih and passes in village Dhelwadih through Plot numbers 78/1, 136, 137, 138, 199, 198, 197, 192, 190, 161 and meets at point "B".

B-C-C1 Line passes in village Dhelwadih partly North East boundry of Plot number 161, through plot number 161, Northern boundary of plot number 158, Eastern boundary of plot numbers 158, 154, 153, 152, 149 then through plot number 78/1 and meets at point "C1".

C1-C2-D-A Line passes in village Abhaipur through plot numbers 34, 1 and meets at the starting point "A".

Mining Rights

Block—"B"

Serial number	Name of village	Patwari halka number	Tahsil	District	Area in hectare	Remarks
01.	Dhelwadih	42	Katghora	Korba	09.883	Part
02.	Dhabahab	42	Katghora	Korba	24.112	Part
03.	Arda	48	Katghora	Korba	07.495	Part
TOTAL :					41.490 Hectares	

Grand TOTAL : (Block A + B) = 87.884 Hectares (approximately) or 217.16 Acres (approximately)

(1) Plot numbers to be acquired in village Dhelwadih (part) : 315/1K (part), 345 (part), 346 (part), 347, 348 (part), 349 (part).

(2) Plot numbers to be acquired in village Dhabdhab (part);

325 (part), 340, 341 (part), 374 (part), 375 (part), 376 (part), 377, 378, 379, 380 (part), 381 (part), 382 (part), 383, 384, 385, 386 (part), 387, 388, 389, 390 (part), 395 (part).

(3) Plot numbers to be acquired in village Arda (part) :

8 (part), 9(part), 11(part), 12(part), 13 to 16, 17(part), 18, 19(part), 20(part), 72(part), 100(part), 101(part).

Boundary description—

E-F-G Line starts from point 'E' in village Dhelwadih and passes through plot numbers 315/1K, 346, 345, 315/1K enter in village Dhabdhab and passes through plot numbers 382, 381, 380, 374, 375, 376, 341, 325 and meets at point "G".

G-G1-H Line passes in village Arda through plot numbers 19, 8, 9, 11, 12, 101, 100, 101, 12, 72, 12, 17, 20, 19 and meets at point "H".

H-H1-E Line passes in village Dhabdhab and passes partly along the Southern boundary of plot number 325 then through plot numbers 395, 341, 390, 386, 395 enter in village Dhelwadih passes through plot numbers 348, 349, 315/1K and meets at the starting point "E".

[No. 43015/13/2002-PRIW]

SANJAY BAHADUR, Director

नागर विमानन मंत्रालय

नई दिल्ली, 19 दिसम्बर, 2003

का.आ. 3480.—वायुयान (संशोधन) अधिनियम 2000 (2000 का 51) के खंड 1 के उपखंड (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा 1 जनवरी, 2004 को उक्त अधिनियम के लागू होने की तारीख निर्धारित करती है।

[फा. सं. ए.वी. 11012/15/98-ए वाल्यूम II]

एम.एस. चोपड़ा, अवर सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 19th December, 2003

S.O. 3480.—In exercise of the powers conferred by Sub-section (2) of Section I of the Aircraft (Amendment) Act, 2000 (51 of 2000), the Central Government hereby appoints the 1st day of January, 2004 as the date on which said act shall come into force.

[F. No. AV.11012/15/98-A Vol. II]

M. S. CHOPRA, Under Secy.

विदेश मंत्रालय

(सी.पी.वी. डिवीजन)

नई दिल्ली, 10 दिसम्बर, 2003

का.आ. 3481.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम 1948 (1948 का 41वां) को धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का प्रधान कौंसलावास, इस्तानबुल में श्री एस थोमस, सहायक के स्थान पर श्री महेश कुमार, सहायक को 10-12-2003 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी. 4330/01/2003]

उपेन्द्र सिंह रावत, अवर सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. Division)

New Delhi, the 10th December, 2003

S.O. 3481.—In pursuance of the clause(a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Mahesh Kumar, Assistant in the Consulate General of India, Istanbul to perform the duties of Assistant Consular Officer vice Shri S. Thomas with effect from 10-12-2003.

[No. T.4330/01/2003]

U. S. RAWAT, Under Secy. (Cons.)

नई दिल्ली, 10 दिसम्बर, 2003

का.आ. 3482.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) को धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का राजदूतावास, दोहा में श्रीमती हरजिंदर भान, सहायक के स्थान पर श्री जगदीश चन्द्र, सहायक को 10-12-2003 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी. 4330/01/2003]

उपेन्द्र सिंह रावत, अवर सचिव (कौंसुलर)

New Delhi, the 10th December, 2003

S.O. 3482.—In pursuance of the clause(a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Jagidsh Chander, Assistant vice Smt. Harjinder Bhan, Assistant in the Embassy of India, Doha to perform the duties of Assistant Consular Officer with effect from 10-12-2003.

[No. T.4330/01/2003]

U. S. RAWAT, Under Secy. (Cons.)

**उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय
(उपभोक्ता मामले विभाग)**

भारतीय मानक ब्यूरो

नई दिल्ली, 19 दिसम्बर, 2003

का.आ. 3483.—संख्या केन्द्रीय प्रमाणन विभाग/13 : 5—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (को) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1	2	3	4
1.	आईएस 274 (भाग 1 और 2) : 1981	संशोधन सं. 3 जून 2003	2003-07-22
2.	आईएस 302-2-201 : 1992	संशोधन सं. 7 जून 2003	2003-10-06
3.	आईएस 459 : 1992	संशोधन सं. 2 जून 2003	2003-09-01
4.	आईएस 653 : 1992	संशोधन सं. 1 जुलाई 2003	2003-07-31
5.	आईएस 774 : 1984	संशोधन सं. 5 जून 2003	2003-09-01
6.	आईएस 1346 : 1991	संशोधन सं. 1 जून 2003	2003-06-30
7.	आईएस 2062 : 1999	संशोधन सं. 3 जून 2003	2003-07-30
8.	आईएस 2082 : 1993	संशोधन सं. 5 जून 2003	2003-10-06
9.	आईएस 2202 (भाग 1) : 1999	संशोधन सं. 1 जून 2003	2003-08-26
10.	आईएस 2512 : 1978	संशोधन सं. 4 जुलाई 2003	2003-10-06
11.	आईएस 2548 (भाग 2) : 1996	संशोधन सं. 1 जून 2003	2003-09-01
12.	आईएस 2681 : 1993	संशोधन सं. 2 अप्रैल 2003	2003-09-01
13.	आईएस 4020 (भाग 12) : 1998	संशोधन सं. 1 जून 2003	2003-06-30
14.	आईएस 5077 : 1969	संशोधन सं. 1 जून 2003	2003-10-06
15.	आईएस 7634 (भाग 2) : 1975	संशोधन सं. 2 जून 2003	2003-06-30
16.	आईएस 9704 : 1990	संशोधन सं. 2 जून 2003	2003-06-30
17.	आईएस 9798 : 1995	संशोधन सं. 3 मई 2003	2003-10-31
18.	आईएस 12817 : 1997	संशोधन सं. 1 अप्रैल 2003	2003-09-02
19.	आईएस 13386 : 1992	संशोधन सं. 3 अप्रैल 2003	2003-09-04
20.	आईएस 13801 : 1993	संशोधन सं. 4 जून 2003	2003-09-01
21.	आईएस 14257 : 1995	संशोधन सं. 1 जुलाई 2003	2003-07-31
22.	आईएस 14862 : 2000	संशोधन सं. 1 जून 2003	2003-09-04
23.	आईएस 14885 : 2001	संशोधन सं. 1 मई 2003	2003-09-01

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

तिथि 2003-12-04

[सीएमडी-1/13 : 5]

एम० ए० यू० खान, उप महानिदेशक (मुहर)

MINISTRY OF CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION
(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 19th December, 2003

S.O. 3483.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards rules 1987, the Bureau of Indian Standards hereby notified that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued.

SCHEDULE

Sl. No.	No. & year of the Indian Standards	No. & year of the amendment	Date from which the amendment shall have effect
1	2	3	4
1.	IS 274 (Pt 1 & 2) : 1981	Amendment No. 3 June 2003	2003-07-22
2.	IS 302-2-201 : 1992	Amendment No. 7 June 2003	2003-10-06
3.	IS 459 : 1992	Amendment No. 2 June 2003	2003-09-01
4.	IS 653 : 1992	Amendment No. 1 July 2003	2003-07-31
5.	IS 774 : 1984	Amendment No. 5 June 2003	2003-09-01
6.	IS 1346 : 1991	Amendment No. 1 June 2003	2003-06-30
7.	IS 2062 : 1999	Amendment No. 3 June 2003	2003-07-30
8.	IS 2082 : 1993	Amendment No. 5 June 2003	2003-10-06
9.	IS 2202 (Pt 1) 1999	Amendment No. 1 June 2003	2003-08-26
10.	IS 2512 : 1978	Amendment No. 4 July 2003	2003-10-06
11.	IS 2548 (Pt 2) : 1996	Amendment No. 1 June 2003	2003-09-01
12.	IS 2681 : 1993	Amendment No. 2 April 2003	2003-09-01
13.	IS 4020 (Pt 12) : 1998	Amendment No. 1 June 2003	2003-06-30
14.	IS 5077 : 1969	Amendment No. 1 June 2003	2003-10-06
15.	IS 7634 (Pt 2) : 1975	Amendment No. 2 June 2003	2003-06-30
16.	IS 9704 : 1990	Amendment No. 2 June 2003	2003-06-30
17.	IS 9798 : 1995	Amendment No. 3 May 2003	2003-10-31
18.	IS 12817 : 1997	Amendment No. 1 April 2003	2003-09-02
19.	IS 13386 : 1992	Amendment No. 3 April 2003	2003-09-04
20.	IS 13801 : 1993	Amendment No. 4 June 2003	2003-09-01
21.	IS 14257 : 1995	Amendment No. 1 July 2003	2003-07-31
22.	IS 14862 : 2000	Amendment No. 1 June 2003	2003-09-04
23.	IS 14885 : 2001	Amendment No. 1 May 2003	2003-09-01

Copy of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Calcutta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[CMD-1/13 : 5]

M.A.U. KHAN, Dy. Director General (Marks)

नई दिल्ली, 17 दिसम्बर, 2003

का.आ. 3484.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स 'बंसल इन्स्ट्रुमेंटेशन, बी-1/42, एल डी ए कालोनी, कानपुर रोड योजना, सी एम एस डिग्री कालेज के सामने, लखनऊ-226012 (उ. प्र.) द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) वाले "बी टी" शृंखला के स्वतःसूचक, अस्वचालित, इलेक्ट्रॉनिक, अंकक सूचन सहित तोलन उपकरण के मॉडल का, जिसके ब्रांड का नाम "बी आई" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/337 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृतमापी भारसेल आधारित अस्वचालित (टेबल टाइप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 12 कि. ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंदी की जाती है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) की स और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान, अंतराल (एन) की संख्या सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(98)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

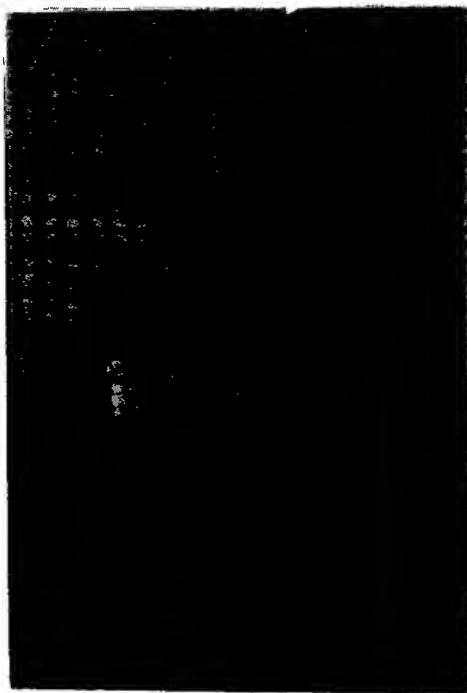
New Delhi, the 17th December 2003

S.O. 3484.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issue and publishes the certificate of approval of the self-indicating, non-automatic, (Table top type) Weighing instrument with digital indication of "BT" series of Medium accuracy (accuracy class-III) and with brand name "BEE-EYE" (hereinafter referred to as said model) manufactured by M/s Bansal Instrumentation, B1/42, L.D.A. Colony, Kanpur Road Yojana, Opp. C.M.S. Degree College, Lucknow-226 012 (U.P.) and which is assigned the approval mark IND/09/2003/337;

The said Model (See the figure given below) is a strain gauge type load cell base non-automatic weighing instrument (Table top type) with a maximum capacity of 12 kg. and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 V, 50 Hz alternative current power supply.

In addition to sealing stamping plate, sealing shall also be is done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the power conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity upto 50k with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg to 2 g and with verification scale interval(n) in the range of 500 to 10000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(98)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

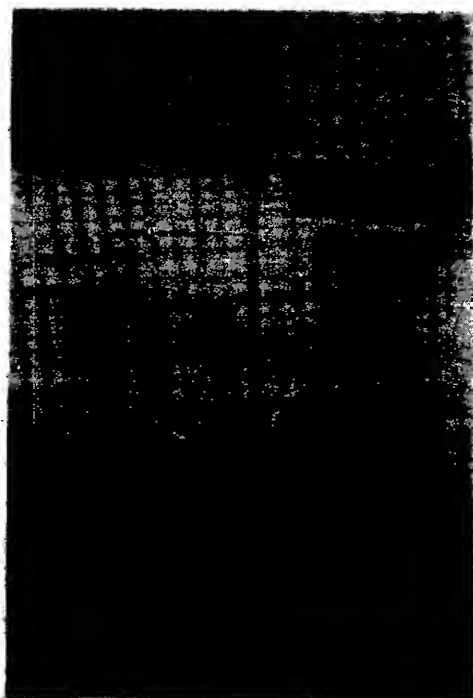
नई दिल्ली, 17 दिसम्बर, 2003

का.आ. 3485.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स बंसल इन्स्ट्रुमेंटेशन, बी-1/42, एल डी ए कालोनी, कानपुर रोड योजना, सी एम एस डिग्री कालेज के सामने, लखनऊ-226012 (उ. प्र.) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "बी पी एस" शृंखला के स्वतःसूचक, अस्वचालित, इलेक्ट्रॉनिक, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "बी आई" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/338 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृतमापी भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1200 कि. ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबंद की जाती है।



और, केन्द्रीय सरकार उक्त अधिनियम धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उस से अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) की संख्या सहित 50 कि.ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(98)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

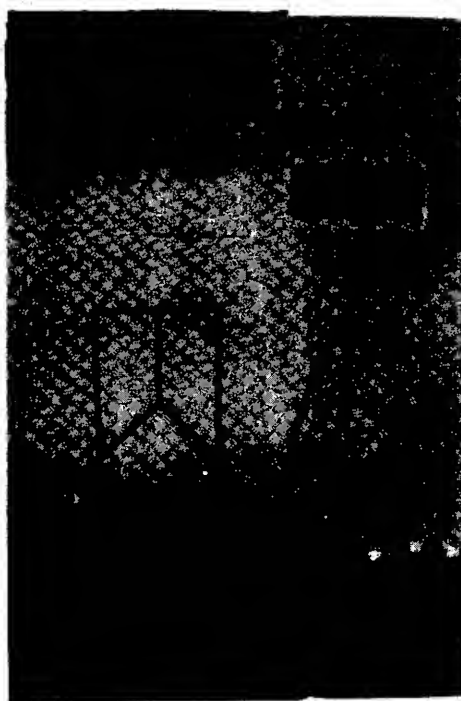
New Delhi, the 17th December 2003

S.O. 3485.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions :

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the self-indicating, non-automatic, (Platform type) Weighing instrument with digital indication of "BPS" series of medium accuracy (accuracy class-III) and with brand name "BEE-EYE" (hereinafter referred to as said model) manufactured by M/s Bansal Instrumentation, B1/42, L.D.A. Colony, Kanpur Road Yojana, Opp. C.M.S. Degree College, Lucknow-226 012 (U.P.) and which is assigned the approval mark IND/09/2003/338;

The said Model (See the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1200 kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 V, 50 Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the power conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 Kg and up to 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(98)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

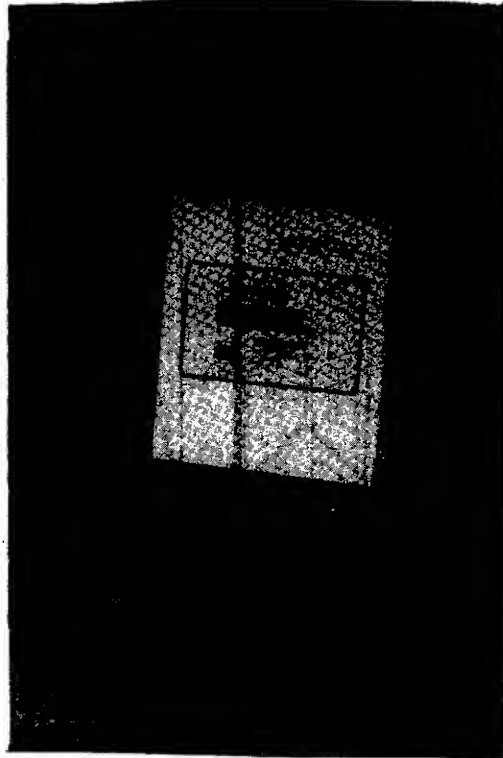
नई दिल्ली, 19 दिसम्बर, 2003

का.आ. 3486.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स वीटेक्स इंडिया लि., 28/1/ए, आई डी ए नचारम, हैदराबाद-500076 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "डब्ल्यू एच एस" श्रृंखला के स्वतः सूचक, अस्वचालित, तोलन उपकरण (क्रेन स्केल) के मॉडल का, जिसके ब्रांड का नाम "वीटेक्स" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/366 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृतमापी भारसेल आधारित प्रकार का अस्वचालित तोलन उपकरण (क्रेन स्केल) इसकी अधिकतम क्षमता 1000 कि. ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 200 ग्रा. है। इसमें एक आघेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आघेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबंदी की जाएगी।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी सिद्धान्त, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्रा. या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के है, जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम.-21(214)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

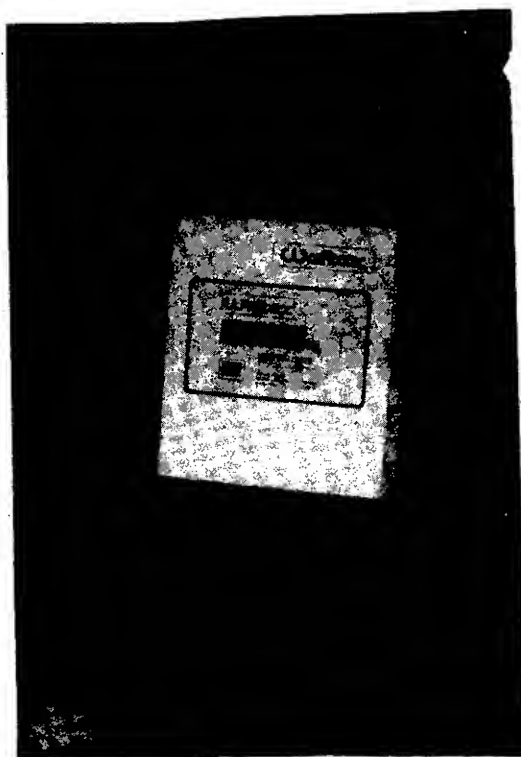
New Delhi, the 19th December 2003

S.O. 3486.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the self indicating, non-automatic weighing instrument (Crane Scale) with digital indication of "WHS" series of medium accuracy (accuracy class-III) and with brand name "Weitex" (hereinafter referred to as the said model), manufactured by M/s Weitex India Ltd, 28/1/A, I.D.A. Nacharam, Hyderabad-500076 and which is assigned the approval mark IND/09/2003/366;

The said Model (See the figure given below) is a strain gauge type load cell base non-automatic weighing instrument (Crane Scale) with a maximum capacity of 1000 kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has a tare device with 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 V, 50 Hz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity above 50 kg and up to 5000 kg with verification scale interval(n) in the range of 500 to 10000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(214)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

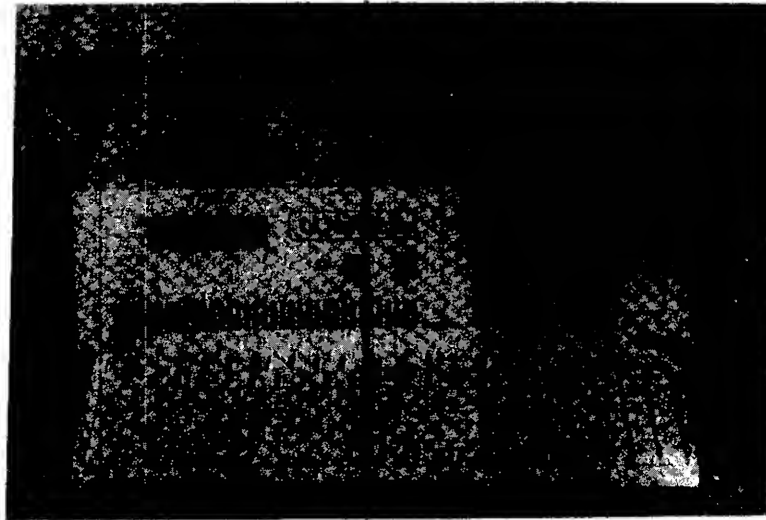
नई दिल्ली, 19 दिसम्बर, 2003

का.आ. 3487.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स वीटेक्स इंडिया लि., 28/1/ए, आई डी ए नचारम, हैदराबाद-500076 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “डब्ल्यू ई डब्ल्यू 200” श्रृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (बहुभार सेल प्रकार) तुला चौकी के मॉडल का, जिसके ब्रांड का नाम “वीटेक्स” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/365 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृतमापी भारसेल आधारित प्रकार का अस्वचालित तोलन उपकरण (बहुभार सेल प्रकार तुला चौकी) है। इसकी अधिकतम क्षमता 60 टन और न्यूनतम क्षमता 200 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबंदी की जाएगी।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन से अधिक और 100 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 5 कि. ग्रा. या अधिक के “ई” मान के लिए 500 से 10,000 की रेंज में है तथा जिनका “ई” मान 1×10^3 , 2×10^3 या 5×10^3 के है, जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम.-21(214)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December 2003

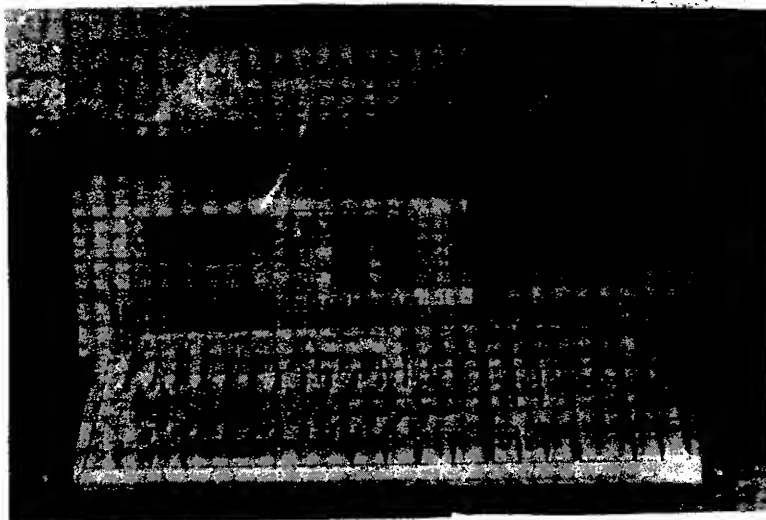
S.O. 3487.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the self indicating, non-automatic weighing instrument (Multi load cell type weighbridge) with digital indication of "WEW. 200" series of medium accuracy (accuracy class-II) and with brand name "Weitex" (hereinafter referred to as the said model), manufactured by M/s Weitex India Ltd, 23/1/A, I.D.A. Nacharam, Hyderabad-500076 and which is assigned the approval mark IND/09/2003/365:

The said Model (See the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Multi load cell type weighbridge) with a maximum capacity of 60 tonne and minimum capacity of 200 kg. The verification scale interval (e) is 10kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 V, 50 Hz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

FIGURE



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5kg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(214)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

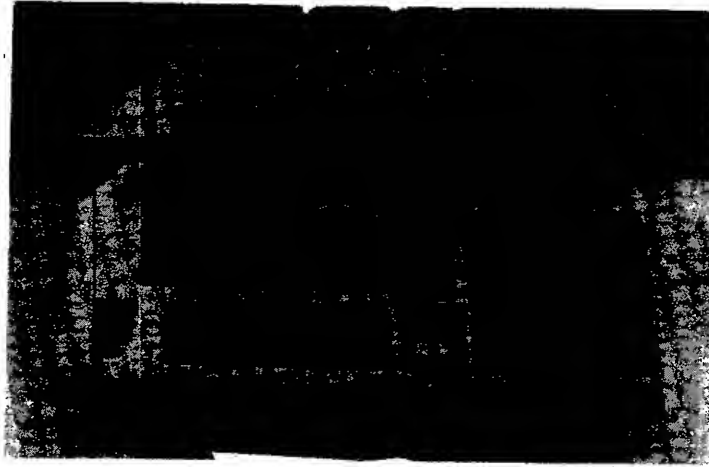
नई दिल्ली, 22 दिसम्बर, 2003

का.आ. 3488.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स नितिराज इंजीनियर्स प्रा. लि., 306 ए, भाभा बिल्डिंग, एन एम जोशी मार्ग, डेलिस रोड, मुंबई-400011 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "एन ई" श्रृंखला के अस्वचालित अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "फोनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/07 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) दबाव गेज भार सेल आधारित तोलन उपकरण (टेबल टाप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। द्रव क्रिस्टल प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त, मशीन कपटपूर्ण प्रयोगों के लिए इसे खोलने से रोकने के लिए भी सीलबंदी की जाएगी।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. में 2 ग्राम तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 के हैं, जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(167)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd December 2003

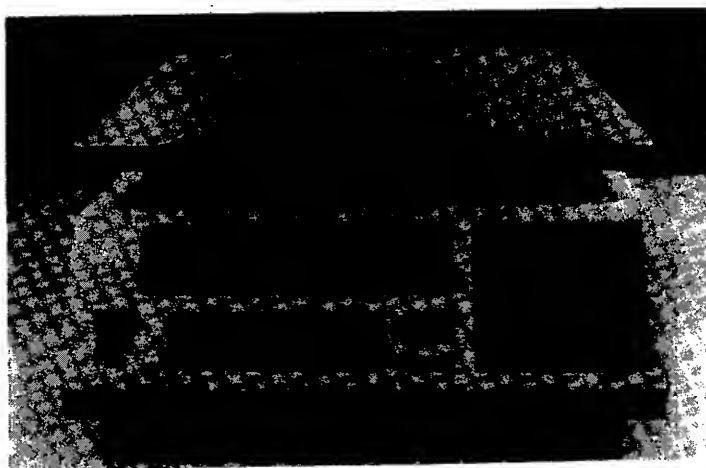
S.O. 3488.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic weighing instrument (Table top type) with digital indication belonging to Medium accuracy (accuracy class III) of NE series with brand name PHOENIX (herein referred to as the said Model) manufactured by M/s. Nitiraj Engineers Pvt. Ltd., 306 A, Bhabha Building, N.M. Joshi Marg, Delise Road, Mumbai-400011 and which is assigned the approval mark IND/09/2003/07;

The said Model (See the figure given below) is a strain gauge load cell base non-automatic weighing instrument (Table top type). The maximum capacity is 30kg and minimum capacity 100 g. the value of verification scale interval (e) is 5 g. The liquid crystal diode display indicates the weighing result. the instrument operates on 230 Volts, 50 hertz alternate current powers supply. In addition to sealing the stamping plate, machine shall also be sealed to prevent its opening for fraudulent practices.

In addition to sealing stamping plate, sealing is done to prevent the opening machine for fraudulent practices.

FIGURE



Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for e value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved said Model has been manufactured.

[F. No. WM-21(167)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

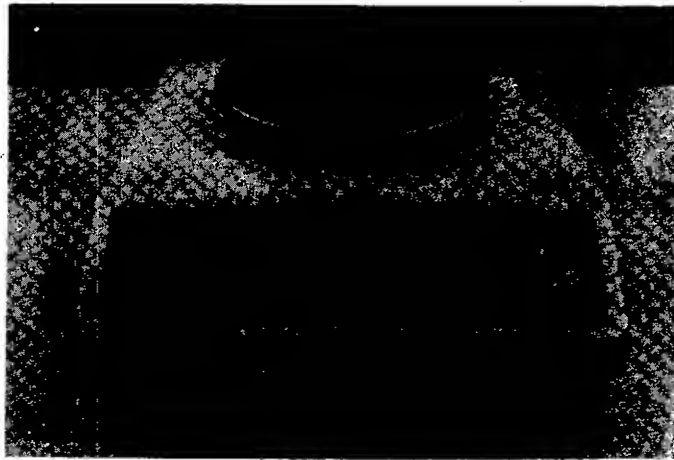
नई दिल्ली, 22 दिसम्बर, 2003

का.आ. 3489.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स नितिराज इंजीनियर्स प्रा. लि., 306 ए, भाभा बिल्डिंग, एन एम जोशी मार्ग, डेलिस रोड, मुंबई-400011 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "एन जे एल" श्रृंखला के अस्वाचालित अंकन सूचक सहित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "फोनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/08 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) दबाव गेज भार सेल आधारित तोलन उपकरण (टेबल टाप प्रकार का) है। इसकी अधिकतम क्षमता 500 ग्रा. और न्यूनतम क्षमता 2 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 मि. ग्रा. है। द्रव क्रिस्टल प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती भाग निरुद्ध प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त, मशीन कपटपूर्ण प्रयोगों के लिए इसे खोलने से रोकने के लिए भी सीलबंद की जाएगी।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. में 2 ग्राम तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल एन और 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 हैं, जो धनात्मक या ऋणात्मक पूर्णांक हैं या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(167)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd December 2003

S.O. 3489.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic weighing instrument (Table top type) with digital indication belonging to Medium accuracy (accuracy class III) of "NJL" series with brand name PHOENIX (herein referred to as the said Model) manufactured by M/s. Nitiraj Engineers Pvt. Ltd., 306 A, Bhabha Building, N.M. Joshi Marg, Delise Road, Mumbai-400011 and which is assigned the approval mark IND/09/2003/08;

The said Model (See the figure given below) is a strain gauge load cell base non-automatic weighing instrument (Table top type). The maximum capacity is 500g and minimum capacity 2 g. the value of verification scale interval (e) is 100 mg. The liquid crystal diode display indicates the weighing result. the instrument operates on 230 Volts, 50 hertz alternate current powers supply. In addition to sealing the stamping plate, machine shall also be sealed to prevent its opening for fraudulent practices.



Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k K being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(167)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 दिसम्बर, 2003

क्र.आ. 3490.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियर्स प्रा. लि., 306 ए, भाभा बिल्डिंग, एन. एम. जोशी मार्ग, डेलिस रोड, मुंबई-400011 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-3) वाले "एन ई पी" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "फोनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/09 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) दबाव गेज भार सेल आधारित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। द्रव क्रिस्टल प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सीलबन्द करने के अतिरिक्त, मशीन कपटपूर्ण प्रयोगों के लिए इसे खोलने से रोकने के लिए भी सीलबन्द की जाएगी।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्राम तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उसके अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मान अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं जो धनात्मक या ऋणात्मक पूर्णांक हैं या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(167)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

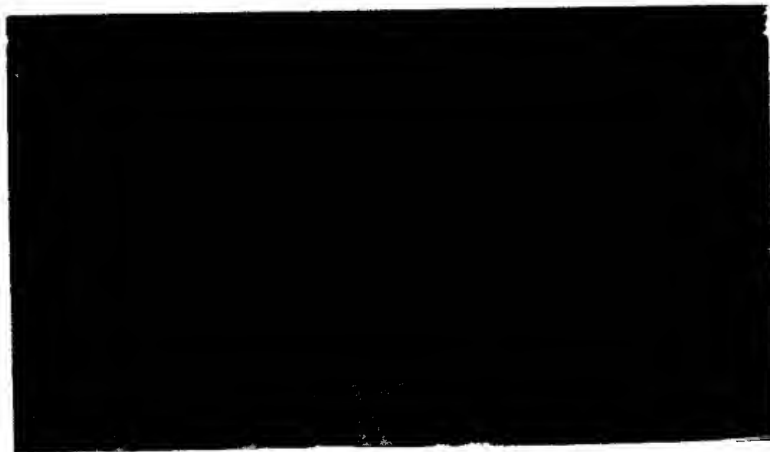
New Delhi, the 22nd December, 2003

S.O. 3490.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic Weighing instrument (Table top type) with digital indication belonging to Medium accuracy (accuracy class-III) of NEP series with brand name "PHOENIX" (herein referred to as said Model) manufactured by M/s Nitiraj Engineers Pvt. Ltd., 306 A, Bhabha Building, N.M. Joshi Marg, Delise Road, Mumbai-400011 and which is assigned the approval mark IND/09/03/09;

The said Model (See the figure given below) is a strain guage loadcell based non-automatic weighing instrument (Table top type). The maximum capacity is 30 kg and minimum capacity 100 g. The value of verification scale interval (e) is 5 g. The liquid crystal diode display indicates the weighing result. The instrument operates on 230 Volts, 50 hertz alternate current power supply.

In addition to sealing the stamping plate, the machine shall also be sealed to prevent the opening for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(167)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 दिसम्बर, 2003

का.आ. 3491.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियर्स प्रा. लि., 306 ए, भाभा बिल्डिंग, एन. एम. जोशी मार्ग, डेलिस रोड, मुंबई-400011 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-3) वाले "एन के एस" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "फोनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/10 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) दबाव गेज भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 2 कि. ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। द्रव क्रिस्टल प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सीलबन्द करने के अतिरिक्त, मशीन कपटपूर्ण प्रयोगों के लिए इसे खोलने से रोकने के लिए भी सीलबंद की जाएगी।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्राम तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उसके अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मान अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं जो धनात्मक या ऋणात्मक पूर्णांक हैं या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(167)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

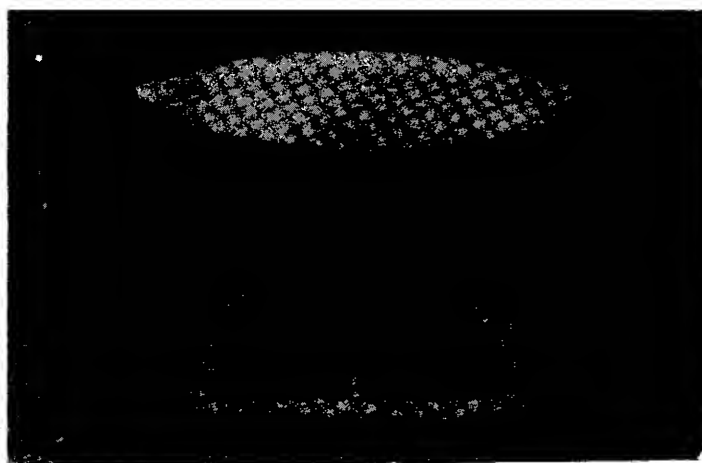
New Delhi, the 22nd December 2003

S.O. 3491.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic Weighing instrument (Table top type) with digital indication belonging to Medium accuracy (accuracy class-III) of NKS series with brand name "PHOENIX" (herein referred to as said Model) manufactured by M/s Nitiraj Engineers Pvt. Ltd., 306 A, Bhabha Building, N.M. Joshi Marg, Delise Road, Mumbai-400011 and which is assigned the approval mark IND/09/03/10;

The said Model (See the figure given below) is a strain guage loadcell based non-automatic weighing instrument (Table top type). The maximum capacity is 2kg and minimum capacity 40 g. The value of verification scale interval (e) is 2 g. The liquid crystal diode display indicates the weighing result. The instrument operates on 230 Volts, 50 hertz alternate current power supply.

In addition to sending the stamping plate, the machine shall also be sealed to prevent its opening for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the Section 36, of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(167)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 दिसम्बर, 2003

का०आ० 3492.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियर्स प्रा. लि., 306 ए, भा भा बिल्डिंग, एन एम जोशी मार्ग, डेलिस रोड, मुंबई-400011 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-3) वाले "एन ई एस" शृंखला के अस्वचालित, अंकक सूचन प्रहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "फोनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/11 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) दबाव गेज भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 12 कि. ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। द्रव क्रिस्टल प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सीलबन्द करने के अतिरिक्त, मशीन कपटपूर्ण प्रयोगों के लिए इसे खोलने से रोकने के लिए भी सीलबन्द की जाएगी।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 35 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्राम तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (ई) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मान अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} हैं जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम.-21(167)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक मामल विभाग

New Delhi, the 22nd December, 2003

S.O. 3492.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic Weighing instrument (Table top type) with digital indication belonging to Medium accuracy (accuracy class-III) of NES series with brand name "PHOENIX" (herein referred to as the said Model) manufactured by M/s Nitiraj Engineers Pvt. Ltd., 306 A. Bhabha Building, N.M. Joshi Marg, Delise Road, Mumbai-400011 and which is assigned the approval mark IND/09/03/11;

The said Model (See the figure given below) is a Strain guage loadcell based non-automatic weighing instrument (Table top type). The maximum capacity is 12 kg and minimum capacity 40 g. The value of verification scale interval (e) is 2 g. The liquid crystal display indicates the weighing result. The instrument operates on 230 Volts, 50 hertz alternate current power supply.

In addition to sealing the stamping plate, the machine shall also be sealed to prevent the opening for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36, of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k ; k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(167)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

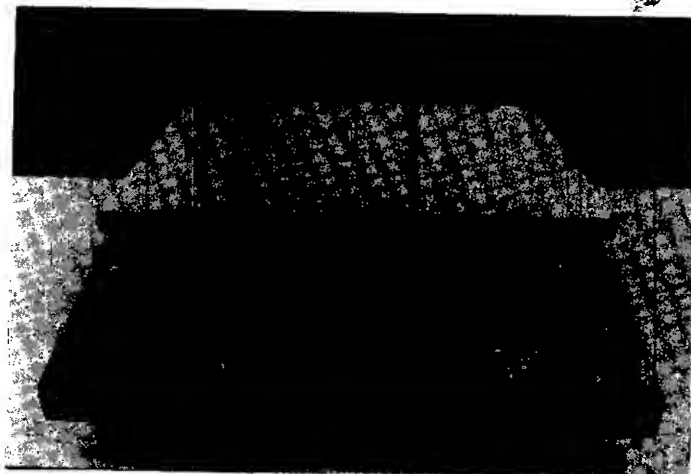
नई दिल्ली, 22 दिसम्बर, 2003

का०आ० 3493.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियर्स प्रा. लि., 306 ए, भाभा बिल्डिंग, एन एम जोशी मार्ग, डेलिस रोड, मुंबई-400011 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-3) वाले "एन पी डब्ल्यू" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "फोनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/12 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) दबाव गेज भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। द्रव क्रिस्टल प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सीलबन्द करने के अतिरिक्त, मशीन कपटपूर्ण प्रयोगों के लिए इसे खोलने से रोकने के लिए भी सीलबंद की जाएगी।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्राम तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मान अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} हैं जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम.-21(167)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd December, 2003

S.O. 3493.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic Weighing instrument (Table top type) with digital indication belonging to Medium accuracy (accuracy class-III) of NPW series with brand name "PHOENIX" (herein referred to as the said Model) manufactured by M/s Nitiraj Engineers Pvt. Ltd., 306 A, Bhabha Building, N.M. Joshi Marg, Delise Road, Mumbai-400011 and which is assigned the approval mark IND/09/03/12;

The said Model (See the figure given below) is a Strain guage loadcell based non-automatic weighing instrument (Table top type). The maximum capacity is 30kg and minimum capacity 100 g. The value of verification scale interval (e) is 5 g. The liquid crystal diode display indicates the weighing result. The instrument operates on 230 Volts, 50 hertz alternate current power supply.

In addition to sealing the stamping plate, the machine shall also be sealed to prevent the opening for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36, of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^4 , 2×10^4 or 5×10^4 , k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(167)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

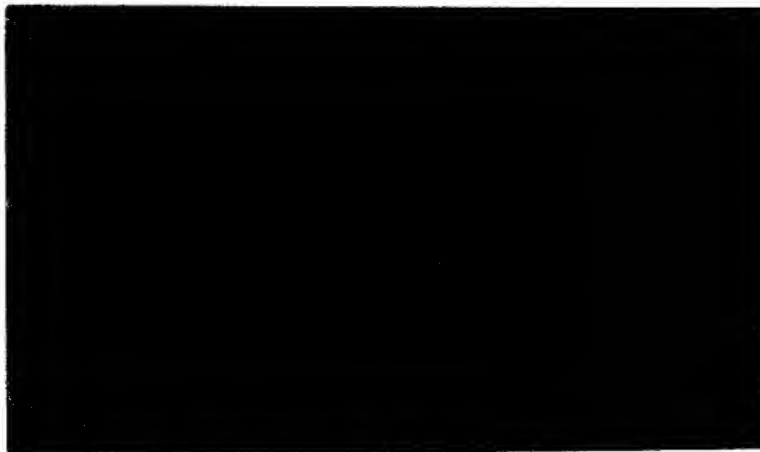
नई दिल्ली, 22 दिसम्बर, 2003

का.आ. 3494.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियर्स प्रा. लि., 306 ए, भा भा बिल्डिंग, एन एम जोशी मार्ग, डेलिस रोड, मुंबई-400011 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एन ई पी" श्रृंखला के अस्थचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "फोनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/13 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) दबाव गेज भार सेल आधारित अस्थचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। द्रव क्रिस्टल प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सीलबन्द करने के अतिरिक्त, मशीन कंपटपूर्ण प्रयोगों के लिए इसे खोलने से रोकने के लिए भी सीलबन्द की जाएगी।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 ग्राम तक "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 ग्रा. या उसके अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं जो धनात्मक या ऋणात्मक पूर्णांक हैं या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(167)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

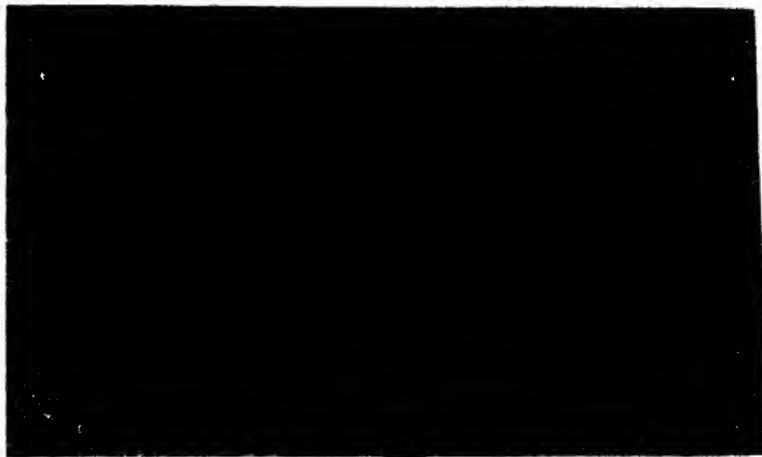
New Delhi, the 22nd December, 2003

S.O. 3494.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic Weighing instrument (Table top type) with digital indication belonging to High accuracy (accuracy class-II) of NEP series with brand name "PHOENIX" (herein referred to as said Model) manufactured by M/s Nitiraj Engineers Pvt. Ltd., 306 A. Bhabha Building, N.M. Joshi Marg, Delise Road, Mumbai-400011 and which is assigned the approval mark IND/09/03/13:

The said Model (See the figure given below) is a Strain gauge load cell based non-automatic weighing instrument (Table top type). The maximum capacity is 30kg and minimum capacity 100 g. The value of verification scale interval (e) is 2 g. The liquid crystal display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, the machine shall also be sealed to prevent the opening for fraudulent use.



Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50 mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^4 , 2×10^4 or 5×10^4 , k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(167)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

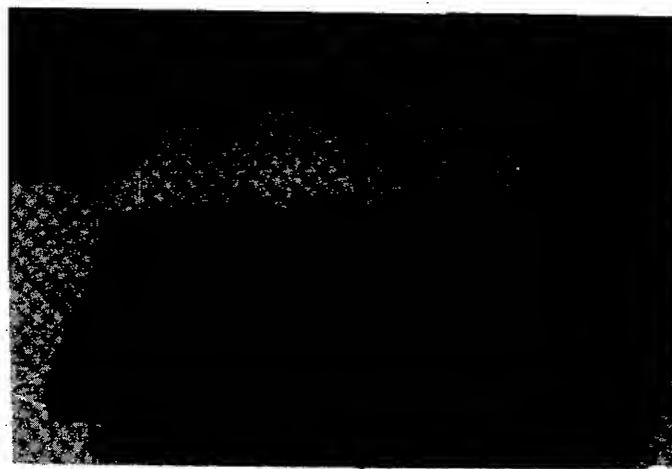
नई दिल्ली, 22 दिसम्बर, 2003

का.आ. 3495.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियर्स प्रा. लि., 306 ए, भा भा बिल्डिंग, एन एम जोशी मार्ग, डेलिस रोड, मुंबई-400011 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एन पी डब्ल्यू" शृंखला के अस्थचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "फोनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/14 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) दबाव गेज भार सेल आधारित अस्थचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। द्रव क्रिस्टल प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सीलबन्द करने के अतिरिक्त, मशीन कपटपूर्ण प्रयोगों के लिए इसे खोलने से रोकने के लिए भी सीलबंदी की जाएगी।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 500 ग्राम तक "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उसके अधिक के "ई" मान के लिए 5000 से 50,000 तक के रेंज में सत्यापन मान अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ हैं जो धनात्मक या ऋणात्मक पूर्णांक है या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम.-21(167)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

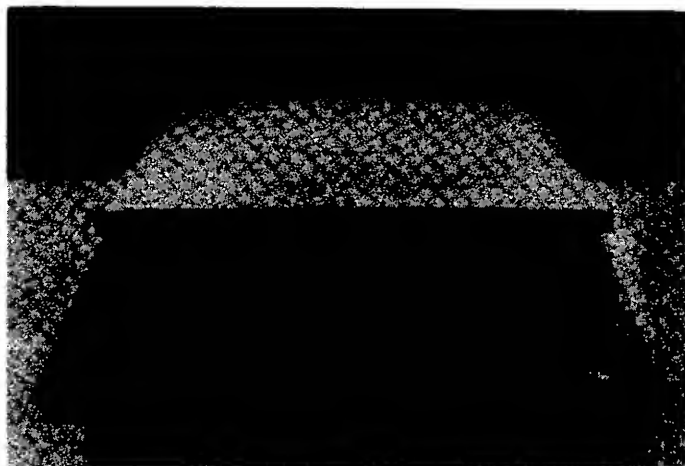
New Delhi, the 22nd December, 2003

S.O. 3495.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic Weighing instrument (Table top type) with digital indication belonging to High accuracy (accuracy class II) of NPW series with brand name "PHOENIX" (herein referred to as said Model) manufactured by M/s Nitiraj Engineers Pvt. Ltd., 306 A, Bhabha Building, N.M. Joshi Marg, Delise Road, Mumbai-400011 and which is assigned the approval mark IND/09/03/14;

The said Model (see the figure given below) is a strain guage load cell based non-automatic weighing instrument (Table top type). The maximum capacity is 30kg and minimum capacity 100 g. The value of verification scale interval (e) is 2 g. The liquid crystal display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, the machine shall also be sealed to prevent its opening for fraudulent practices.



Further, in exercise of the powers conferred by sub-section (12) of Section 36, of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50 mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(167)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

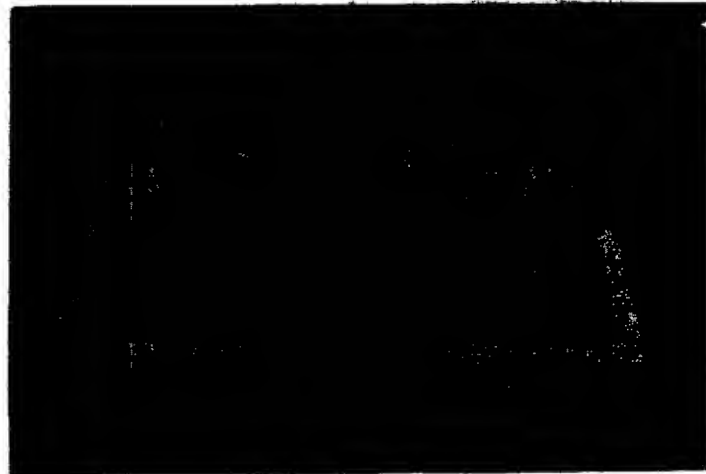
नई दिल्ली, 22 दिसम्बर, 2003

का.आ. 3496.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियर्स प्रा. लि., 306 ए, भा भा बिल्डिंग, एन एम जोशी मार्ग, डेलिस रोड, मुंबई-400011 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "एन जे एल" के शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "फोनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/15 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) दबाव गेज भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 300 ग्रा. और न्यूनतम क्षमता 200 मि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 मि. ग्रा. है। द्रव क्रिस्टल प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सीलबन्द करने के अतिरिक्त, मशीन कपटपूर्ण प्रयोगों के लिए इसे खोलने से रोकने के लिए सीलबंद की जाएगी।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 ग्राम तक "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक के रेंज में सत्यापन मान अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं जो धनात्मक या ऋणात्मक पूर्णांक हैं या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(167)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

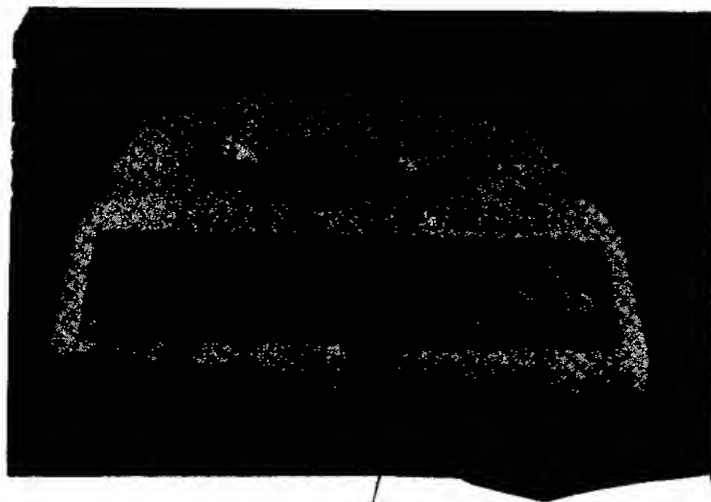
New Delhi, the 22nd December, 2003

S.O. 3496.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic weighing instrument (Table top type) with digital indication belonging to High accuracy (accuracy class-II) of N.J.L. series with brand name "PHOENIX" (herein referred to as the said Model) manufactured by M/s. Nitiraj Engineers Pvt. Ltd., 306 A, Bhabha Building, N.M. Joshi Marg, Delise Road, Mumbai-400011 and which is assigned the approval mark IND/09/03/15:

The said Model (See the figure given below) is a Strain guage loadcell based non-automatic weighing instrument (Table top type). The maximum capacity is 300g and minimum capacity 200 mg. The value of verification scale interval (e) is 10 mg. The liquid crystal display indicates the weighing result. The instrument operates on 230 Volts, 50 hertz alternate current power supply.

In addition to sealing the stamping plate, the machine shall also be sealed to prevent its opening for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36, of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50 mg and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(167)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

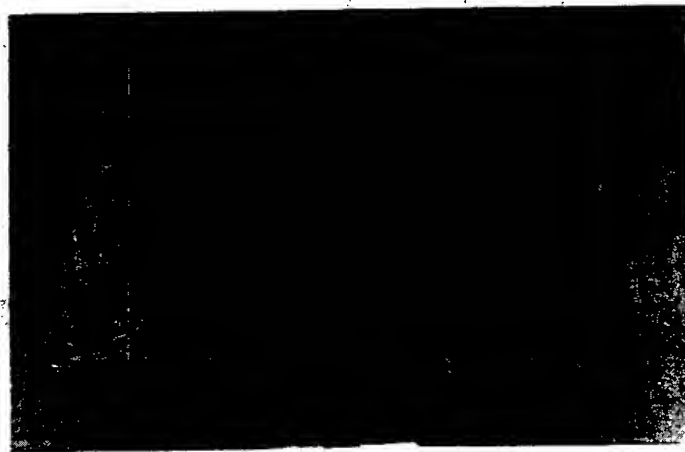
नई दिल्ली, 22 दिसम्बर, 2003

का.आ. 3497.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियर्स प्रा. लि., 306 ए, भा भा बिल्डिंग, एन एम जोशी मार्ग, डेलिस रोड, मुंबई-400011 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "एन ई" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "फोनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/16 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) दबाव गेज भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। द्रव क्रिस्टल प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सीलबन्द करने के अतिरिक्त, मशीन कपटपूर्ण प्रयोगों के लिए इसे खोलने से रोकने के लिए सीलबंद की जाएगी।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 ग्राम तक "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उसके अधिक के "ई" मान के लिए 5,000 से 50,000 तक के रेंज में सत्यापन मान अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं जो धनात्मक या ऋणात्मक पूर्णांक है या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम.-21(167)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd December, 2003

S.O. 3497.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issue and publishes the certificate of approval of the Model of the non-automatic Weighing instrument (Table top type) with digital indication belonging to High accuracy (accuracy class-II) of NE series with brand name "PHOENIX" (herein referred to as the said Model) manufactured by M/s. Nitiraj Engineers Pvt. Ltd., 306 A, Bhabha Building, N.M. Joshi Marg, Delise Road, Mumbai-400011 and which is assigned the approval mark IND/09/03/16;

The said Model (See the figure given below) is a Strain gauge load cell based non-automatic weighing instrument (Table top type). The maximum capacity is 30 kg and minimum capacity 100 g. The value of verification scale interval (e) is 2 g. The liquid crystal display indicates the weighing result. The instrument operates on 230 Volts, 50 hertz alternate current power supply.

In addition to sealing the stamping plate, the machine shall also be sealed to prevent its opening for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36, of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50 mg and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(167)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

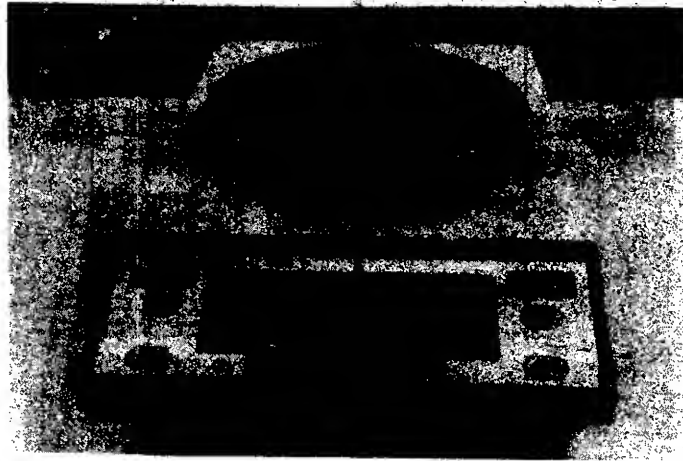
नई दिल्ली, 22 दिसम्बर, 2003

का.आ. 3498.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अत्र, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियर्स प्रा. लि., 306 ए, भा भा बिल्डिंग, एन एम जोशी मार्ग, डेलिस रोड, मुंबई-400011 द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग-1) वाले "एन एल बी" श्रृंखला के अस्वचालित अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "फोनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन-चिह्न आई एन डी/09/2003/17 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) टेबल टॉप प्रकार का विद्युत् चुम्बकीय बल प्रतिपूरण अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 2 कि. ग्रा. और न्यूनतम क्षमता 2 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 मि. ग्रा. है। द्रव क्रिस्टल प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

म्याम्पिंग प्लेट को सीलबन्द करने के अतिरिक्त, मशीन कपटपूर्ण प्रयोगों के लिए इसे खोलने से रोकने के लिए भी सीलबंद की जाएगी।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी श्रृंखला के वैसे ही मॉक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 ग्रा. या इससे अधिक के "ई" मान के लिए 50,000 से अन्यून उससे अधिक के "ई" मान के लिए सत्यापन मान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं जो धनात्मक या ऋणात्मक पूर्णांक हैं या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(167)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

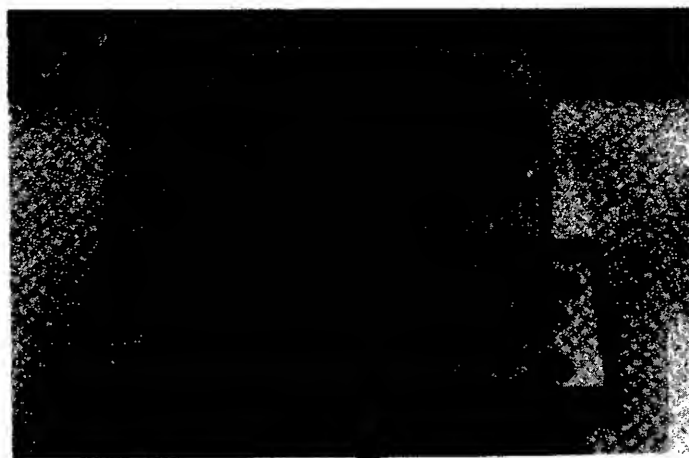
New Delhi, the 22nd December, 2003

S.O. 3498.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic Weighing Instrument (Table top type) with digital indication belonging to Special accuracy (accuracy class I) of NLB series with brand name "PHOENIX" (herein referred to as the said Model) manufactured by M/s. Nitiraj Engineers Pvt. Ltd., 306 A, Bhabha Building, N.M. Joshi Marg, Delise Road, Mumbai-400011 and which is assigned the approval mark IND/09/05/17;

The said Model (see the figure given below) is an electromagnetic force compensation non-automatic weighing instrument (Table top type). The maximum capacity is 2kg and minimum capacity 2 g. The value of verification scale interval (e) is 10 mg. The liquid crystal display indicates the weighing result. The instrument operates on 230 Volts, 50 hertz alternate current power supply.

In addition to sealing the stamping plate, the machine shall also be sealed to prevent its opening for fraudulent practices.



Further, in exercise of the power conferred by Sub-section (12) of Section 36, of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) not less than 50,000 and above for 'e' value of 1 mg or more and with 'e' value of 1×10^4 , 2×10^4 or 5×10^4 k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(167)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

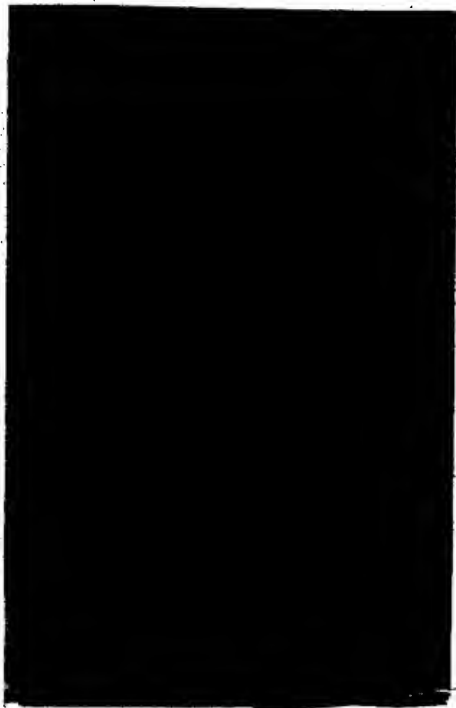
नई दिल्ली, 22 दिसम्बर, 2003

का.आ. 3499.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियर्स प्रा. लि., 306 ए, भा भा बिल्डिंग, एन एम जोशी मार्ग, डेलिस रोड, मुंबई-400011 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-3) वाले "एन ई पी" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "फोनिकस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/18 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) दबाव गेज भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 120 कि. ग्रा. और न्यूनतम क्षमता 400 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 20 ग्रा. है। द्रव क्रिस्टल प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

म्याम्पिंग प्लेट को सीलबन्द करने के अतिरिक्त, मशीन कपटपूर्ण प्रयोगों के लिए इसे खोलने से रोकने के लिए भी सीलबंद की जाएगी।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उम्मी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैन ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मान अंतराल (सहित) सहित 300 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं जो धनात्मक या ऋणात्मक पूर्णांक हैं या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(167)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

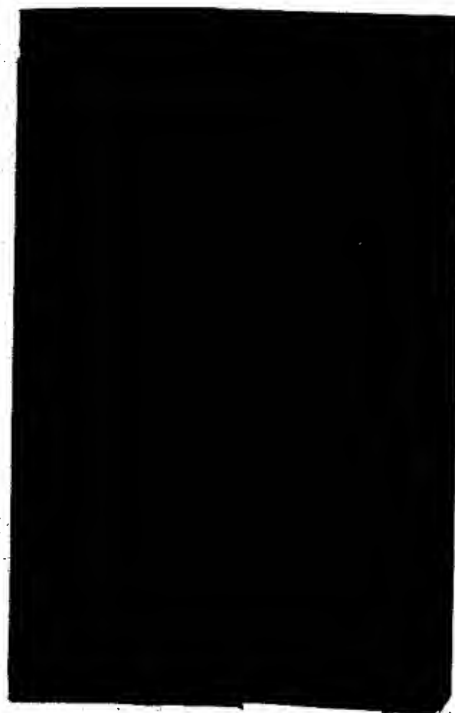
New Delhi, the 22nd December, 2003

S.O. 3499.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic Weighing Instrument (Platform type) with digital indication belonging to Medium accuracy (accuracy class-III) of NEP series with brand name "PHOENIX" (herein referred to as the said Model) manufactured by M/s. Nitiraj Engineers Pvt. Ltd., 306 A, Bhabha Building, N.M. Joshi Marg, Delise Road, Mumbai-400011 and which is assigned the approval mark IND/09/03/18;

The said Model (see the figure given below) is a strain gauge load cell based non-automatic weighing instrument (Platform type). The maximum capacity is 120kg and minimum capacity 400 g. The value of verification scale interval (e) is 20 g. The liquid crystal display indicates the weighing result. The instrument operates on 230 Volts, 50 hertz alternate current power supply.

In addition to sealing the stamping plate, the machine shall also be sealed to prevent its opening for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section 36, of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 300kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(167)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 दिसम्बर, 2003

का.आ. 3500.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नितिराज इंजीनियर्स प्रा. लि., 306 ए, भाभा बिल्डिंग, एन एम जोशी मार्ग, डेलिस रोड, मुंबई-400011 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "एन ई पी" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "फोनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/19 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) दबाव गेज भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 120 कि. ग्रा. और न्यूनतम क्षमता 500 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 ग्रा. है। द्रव क्रिस्टल प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सीलबन्ध करने के अतिरिक्त, मशीन कपटपूर्ण प्रयोगों के लिए इसे खोलने से रोकने के लिए भी सीलबन्दी की जाएगी।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक के रेंज में सत्यापन मान अंतराल (एन) सहित 300 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(167)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

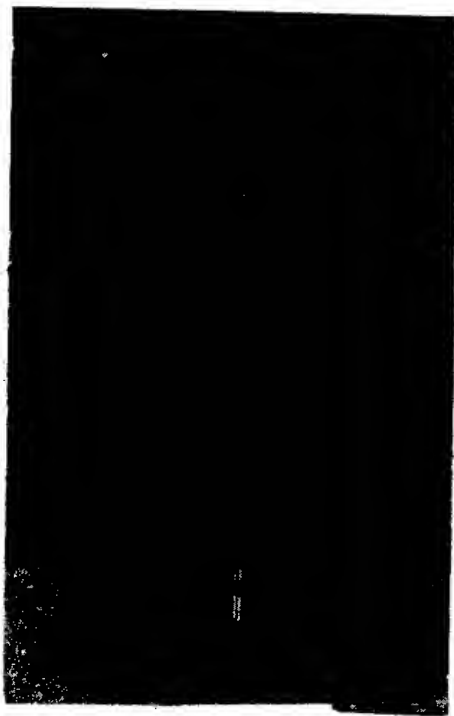
New Delhi, the 22nd December, 2003

S.O. 3500.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic Weighing instrument (Platform type) with digital indication belonging to High accuracy (accuracy class-II) of NEP series with brand name "PHOENIX" (herein referred to as said Model) manufactured by M/s Nitiraj Engineers Pvt. Ltd., 306 A, Bhabha Building, N.M. Joshi Marg, Delise Road, Mumbai-400011 and which is assigned the approval mark IND/09/03/19;

The said Model (See the figure given below) is a Strain guage load cell based non-automatic weighing instrument (Platform type). The maximum capacity is 120kg and minimum capacity 500 g. The value of verification scale interval (e) is 10 g. The liquid crystal display indicates the weighing result. The instrument operates on 230 Volts, 50 hertz alternate current power supply.

In addition to sealing the stamping plate, the machine shall also be sealed to prevent its opening for fraudulent practices.



Further, in exercise of the powers conferred by sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 300 kg with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(167)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 दिसम्बर, 2003

का.आ. 3501.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान-हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पी जी एस सिस्टम्स प्लाट सं०-11, भाग्य चिन्तामनी साँसायटी, ग्रेस होटल के पास, पौड रोड, कोथुड, पुणे-411029 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "पर्ल" शृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल प्रकार) के मॉडल का, जिसके ब्रांड का नाम "पी जी एस-पर्ल 032" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/463 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत मापी प्रकार का भारसेल आधारित, जिसकी अधिकतम क्षमता 3 कि. ग्रा. और न्यूनतम सं० 10 ग्राम सहित, तोलन उपकरण है। सत्यापन मापमान अंतराल (ई) का मान 200 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका तत् प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

सीलबन्दी : स्टाम्पिंग प्लेट को सील करने के अतिरिक्त, कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए सीलबन्दी की गई है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के चैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 ग्रा. तक "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) के संख्या 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 50,000 तक की रेंज में सत्यापन मान, अंतराल (एन) की संख्या सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं, और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(310)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

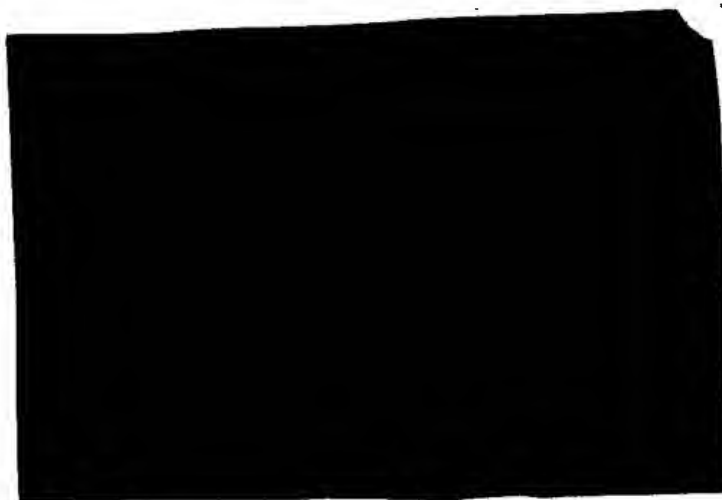
New Delhi, the 22nd December 2003

S.O. 3501.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issue and publishes the certificate of approval of the Model of the self-indicating, non-automatic, (Table type) Weighing instrument with digital indication of "Pearl" series of High accuracy (accuracy class-II) and with brand name "PGS-PEARL 032" (herein referred to as said Model) manufactured by M/s.PGS Systems, Plot No. 11, Bhagya Chintamani Society, Near Hotel Grace, Pand Road Kothrud, Pune-411029 and which is as signed the approval mark IND/09/03/463;

The said Model (See the figure given below) is a Strain gauge load cell base type weighing instrument with a maximum capacity of 3 kg. and minimum capacity of 10g. The verification scale interval (e) is 200 mg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 Volts and 50 hertz alternate current power supply.

Sealing: In addition to sealing the stamping plate, sealing is done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1 mg to 50mg and with number of verification scale interval (n) the range of 500 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k, being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(310)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 दिसम्बर, 2003

का.आ. 3502.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पी जी एस सिस्टम्स, प्लॉट सं.-11, भाग्य चिन्तामणी सोसायटी, ग्रेस होटल के पास, पौड रोड, कोथुड, पुणे-411029 द्वारा विनिर्मित मध्यम रेंज यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "इमराल्ड" श्रृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म दोहरी रेंज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "पी जी एस-इमराल्ड 601" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/465 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृतमापी प्रकार का भारसेल आधारित, जिसकी अधिकतम क्षमता 60 कि. ग्रा. और न्यूनतम क्षमता 100 ग्राम सहित तोलन उपकरण है। सत्यापन मापमान अन्तराल (ई) का मान 50 कि. ग्रा. तक 5 ग्रा. और 50 कि. ग्रा. से अधिक तथा 60 कि. ग्रा. तक 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

सीलबन्दी : स्टाम्पिंग प्लेट को सील करने के अतिरिक्त, कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए सीलबंद की गई है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान, अंतराल (एन) की संख्या सहित 50 कि. ग्रा. से 300 कि. ग्रा. तक के रेंज तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं जो केघनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(310)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd December, 2003

S.O. 3502.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976), and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issue and publishes the certificate of approval of the Model of the self-indicating, non-automatic, (Platform dual range type) Weighing instrument with digital indication of "Emerald" series of Medium accuracy (accuracy class-III) and with brand name "PGS-EMERALD-601" (herein referred to as said Model) manufactured by M/s. PGS Systems, Plot No. 11, Bhagya Chintamani Society, Near Hotel Grace, Paud Road, Kothrud, Pune-411029 and which is assigned the approval mark IND/09/03/465.

The said Model (See the figure given below) is a Strain gauge load cell base type weighing instrument with a maximum capacity of 60 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. upto 50 kg. and 10g. above 50 kg. and upto 60 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

Sealing : In addition to sealing stamping plate, sealing is done to prevent the opening machine for fraudulent practices.



Further, in exercise of the power conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity ranging from 50kg. to 300 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k, being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(310)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 दिसम्बर, 2003

का.आ. 3503.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स पी जी एस सिस्टम्स, प्लॉट सं.-11, भाग्य चिन्तामणि सोसाइटी, ग्रेस होटल के पास, पौड रोड, कोथुड, पुणे-411029 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "रूबी" शृंखला के स्वतःसूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप दोहरी रेंज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "पी जी एस-रूबी 305" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन क्रि.आई एन डी/09/2003/464 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृतमापी प्रकार का भारसेल आधारित, जिसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 40 ग्रा. सहित तोलन उपकरण है। सत्यापन मापमान अंतराल (ई) का मान 15 कि.ग्रा. तक 2 ग्रा. और 15 कि. ग्रा. से अधिक तथा 30 कि.ग्रा. तक 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

सीलबन्दी : स्टाम्पिंग प्लेट को सील करने के अतिरिक्त, कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए सीलबन्दी की गई है।



और केंद्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान, अंतराल (एन) की संख्या सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(310)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

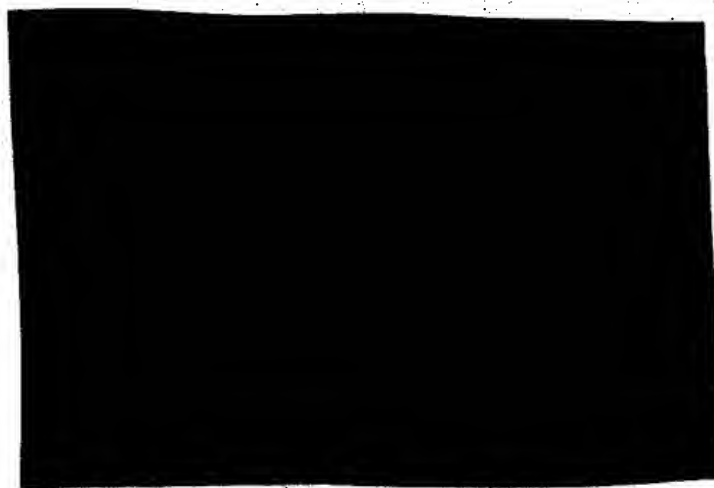
New Delhi, the 22nd December, 2003

S.O. 3503.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self-indicating, non-automatic, (Table top dual range type) Weighing instrument with digital indication of "Ruby" series of Medium accuracy (accuracy class-III) and with brand name "PGS-RUBY 305" (herein referred to as the Model) manufactured by M/s. PGS Systems, Plot No. 11, Bhagya Chintamani Society, Near Hotel Grace, Paud Road, Kothrud, Pune-411029 and which is assigned the approval mark IND/09/2003/464;

The said Model (See the figure given below) is a strain gauge load cell based type weighing instrument with a maximum capacity of 30 kg. and minimum capacity of 40g. The verification scale interval (e) is 2g upto 15 kg. and 5g above 15 kg. and upto 30 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

Sealing : In addition to sealing the stamping plate, sealing is done to prevent the opening machine for fraudulent practices.



Further, in exercise of the power conferred by Sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50kg. and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k, being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(310)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

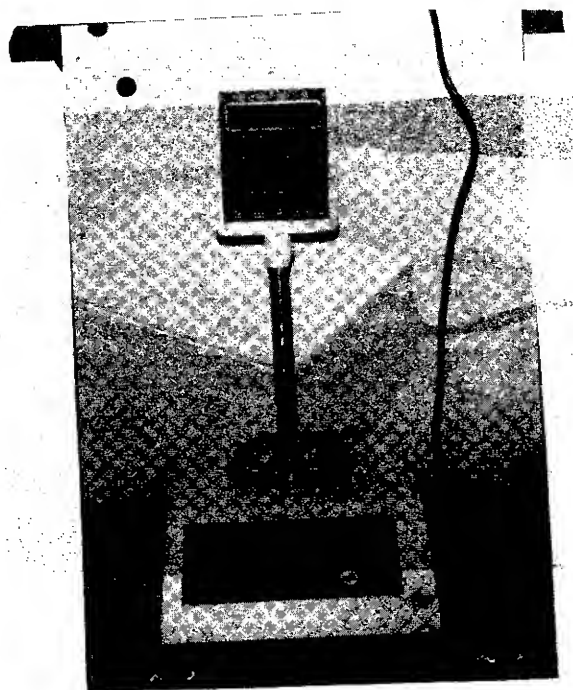
नई दिल्ली, 19 दिसम्बर, 2003

का.आ. 3504.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स आरिस्टो स्केल कम्पनी, सं. 6/30, महल 4 वीं स्ट्रीट, मदुरई-625001 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग 2) वाले "एच पी-जे-टी-टी" श्रृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "आरिस्टो" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/381 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृतमापी भारसेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) है। इसकी अधिकतम क्षमता 300 ग्रा. और न्यूनतम क्षमता 200 मि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सील बन्दी की जाएगी।



और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में है और 100 मि. ग्रा. या अधिक के "ई" मान के लिए 5000 से 50,000 की रेंज में है तथा जिनका "ई" मान 1×10^4 , 2×10^4 या 5×10^4 है, जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम.-21(257)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

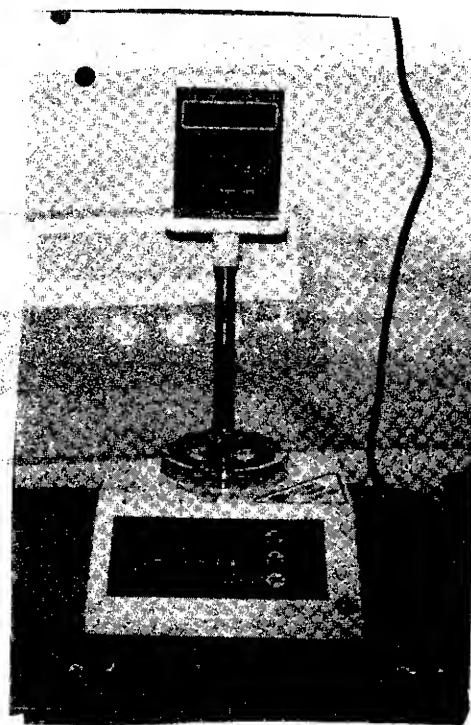
New Delhi, the 19th December, 2003

S.O. 3504.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions :

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the self-indicating, non-automatic, (Table top type) weighing instrument with digital indication of "HP-J-TT" series of High accuracy (accuracy class-II) and with brand name "ARISTO" (hereinafter referred to as the said model) manufactured by M/s Aristo Scale Company, No. 6/36, Mahal 4th Street, Madurai-625001, Tamil Nadu and which is assigned the approval mark IND/09/2003/381;

The said model (see the figure given below) is strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 300g. and minimum capacity of 200mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the power conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50 mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k, being a positive or negative whole number or equal to zero manufactured by the said same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(257)/2002]

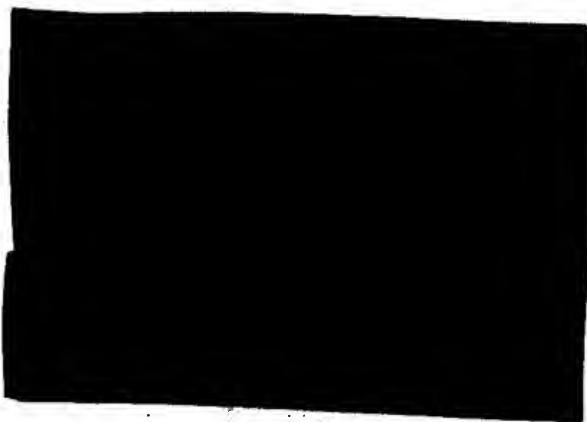
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 दिसम्बर, 2003

का.आ. 3505.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स क्वालिट्रान (इण्डिया), एफ-226 ए मंगल बाजार, लक्ष्मी नगर, दिल्ली-110092 द्वारा विनिर्मित "हुनाई-01" शृंखला के अंकक सूचन सहित टैक्सी मीटर के मॉडल का, जिसके ब्रांड का नाम "क्वालिट्रान" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन बिह्न आई एन डी/09/2003/400 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

स्टाम्पिंग प्लेट को सीलबन्द करने के अतिरिक्त, अनाचार के लिए उपकरण को पल्स जनरेटर, केबल और किराया मीटर को खोलने से रोकने के लिए सीलबन्दी की जाएगी।



उक्त मॉडल एक टैक्सी किराया मीटर है जिसमें दूरी और समय मापक युक्ति सहित अंकक सूचन समाविष्ट है। यह निरंतर योग करता है तथा यात्रा के किसी क्षण में किराया और यात्री द्वारा संदेय प्रभार उपदर्शित करता है। संदेय किराया कतिपय गति से ऊपर तय की गई दूरी और अनुबंधित यात्रा के दौरान उस गति से नीचे लगे समय का फलक है। मीटर का पठन सात खंडीय द्रव क्रिस्टल प्रदर्शक द्वारा मीटर पठन उपदर्शित किया जाता है और विद्युत प्रदाय 0 डी सी 12 वी है। मीटर का 'के' कारक 1270 स्पंद/किलोमीटर है।

[फा. सं. डब्ल्यू. एम.-21(198)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

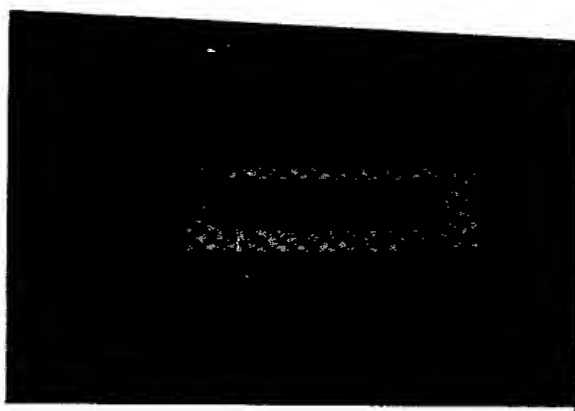
New Delhi, the 22nd December, 2003

S.O. 3505.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of a Taxi Meter with digital indication of HUNAI-01 series with brand name "QUALITRON" (herein referred to as the said model), manufactured by M/s Qualitron (India), F-226A, Mangal Bazar, Laxmi Nagar, Delhi-110092 and which is assigned the approval mark IND/09/2002/400;

In addition to stamping plate, the sealing shall be done to prevent opening of the pulse generator, cable and the fare meter for malpractice.

FIGURE



The said model is a Taxi Meter with digital indication incorporated with a distance and time measuring device. It totalizes continuously and indicates at all moment of the journey, the charges payable by the passenger. The fare to pay is a function of the distance travelled above a certain specified speed and the time elapsed below specified speed during the journey. The reading of the meter is indicated by seven segment liquid crystal display (LCD) and power supply is DC 12V. The 'K' Factor of the meter is 1270 pulses/Km.

[F. No. WM-21(198)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2003

का.आ. 3506.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एवरग्रीन इंजीनियरिंग लि., 35बी, महल इंडस्ट्रियल इस्टेट आफ महाकाली कावस रोड, अंधेरी (पूर्वी) मुंबई-400093 द्वारा विनिर्मित स्नेहक तेल (2टी) डिस्पेंसर के मॉडल का, जिसके ब्रांड का नाम "एवरग्रीन" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/299 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल हाज पारिदान पेट्रोल में स्नेहक के परिदान के लिए पेट्रोल पम्प के साथ जोड़ी जाने वाली वायु द्वारा प्रचालित स्नेहक तेल वितरक (2टी) मशीन है। इसकी अधिकतम क्षमता 10 मि.ली. के अंशाकन के साथ 300 मि. ली. है। यह चूषण और निर्मोचन के लिए दिए गए पृथक वाल्व के साथ वायु दाब पर हाथ से चलाई जाती है। यह 230 वाल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

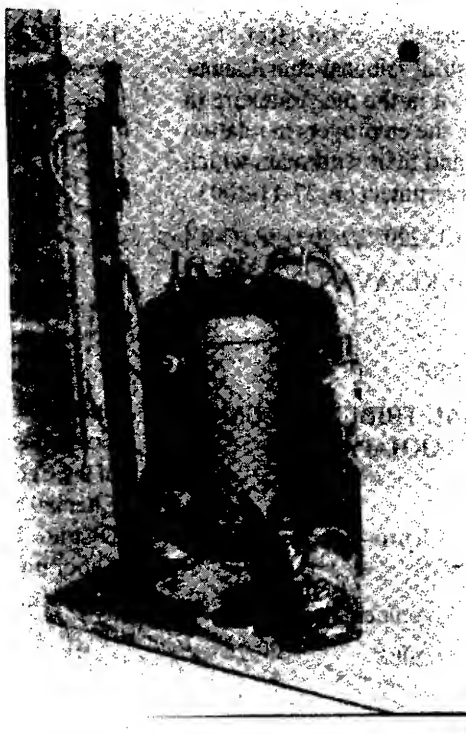
[फा. सं. डब्ल्यू. एम.-21(211)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2003

S.O. 3506.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of Lubricating Oil (2T) Dispenser with brand name "Evergreen" (herein referred to as the said Model), manufactured by M/s Evergreen Engineering Ltd, 35-B, Mahal Industrial Estate, Off. Mahakali Caves Road, Andheri(E), Mumbai-400 093 and which is assigned the approval mark IND/09/03/299;



The said Model is a pneumatically operated Lubricating Oil (2T) dispensing machine to be attached with a petrol pump for delivery of lubricant into the hose delivering petrol. Its maximum capacity is 300ml with 10 ml graduation. It is operated manually on air pressure with a separate valve provided for suction and discharge. It operates on 230V and 50Hz alternate current power supply.

[F. No. WM-21(211)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

श्रम मंत्रालय

नई दिल्ली, 28 नवम्बर, 2003

का.आ. 3507.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय एन. टी. पी. सी. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण विशाखापटनम (संदर्भ संख्या आई. टी. आई. डी. (सी) 11/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-11-2003 को प्राप्त हुआ था।

[सं. एल. 22025/2/2003-आई. आर. (सी. II)]

एन. पी. केशवन, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 28th November, 2003

S.O. 3507.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I.T.I.D.(C) 11/2003) of the Industrial Tribunal-cum-Labour Court, Visakhapatnam as shown in the the Annexure in the Industrial Dispute between the employers in relation to the management of NTPC and their workman, which was received by the Central Government on 27-11-2003.

[No. L-22025/2/2003-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE**BEFORE THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, VISAKHAPATNAM****PRESENT:**

Shri C. Samuel D.V. Kumar Chairman & Presiding Officer

Dated : 10th day of November, 2003

I.T.I.D. (C) 11/2003**Between :**

G. Dulla Sunani S/o N. Sunani
Door No. 45-50-20, Abidnagar,
Addayapalem, Visakhapatnam-16

... Workman

And

1. The Chairman & the Managing Director,
Simhadri Thermal Power Project (NTPC)
Simhadri-531023
2. The Officer in Charge,
M/s. Indo Power Project Limited (of BHEL)
S.T.P./N.T.P.C., Simhadri-531023

... Management

This petition coming before me on 10-11-2003 in the presence of Sri K. Balakrishna, Advocate for the petitioner and the Court passed the following :

AWARD

Petitioner is absent. Mr. K. Balakrishna, Advocate for the petitioner submitted that the matter is settled and the petitioner received Rs. 7,500/- towards full and final settlement and the petition may be dismissed and filed a memo to that effect. In view of the submission of Mr. K. Balakrishna, Advocate for the petitioner and in view of the memo filed, this petition is dismissed as with drawn and nil award is passed.

Written and pronounced on 10th November, 2003.

C. SAMUEL, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2003

का.आ. 3508.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय बी. सी. जी. वेक्सीन लेबोरेटरी प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई (संदर्भ संख्या 74/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-11-2003 को प्राप्त हुआ था।

[सं. एल. 42012/199/2001-आई. आर. (सी. II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 28th November, 2003

S.O. 3508.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 74/2002) of the Centre Govt. Industrial Tribunal-cum-Labour Court, Chennai as shown in the the Annexure in the Industrial Dispute between the management of BCG Vaccine Laboratory, and their workman, which was received by the Central Government on 27-11-2003.

[No. L-42012/199/2001-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI**

Tuesday, the 4th November, 2003

PRESENT:

Shri K. Jayaraman, Presiding Officer

INDUSTRIAL DISPUTE NO. 74/2002

[In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-Section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of BCG Vaccine Laboratory and Their Workmen Smt. J. Radha]

BETWEEN:

Smt. J. Radha : I Party/Workman

ANDThe Director,
BCG Vaccine Laboratory,
Chennai. : II Party/Management**APPEARANCE:**For the Workman : Sri T. N. Sugesh,
AdvocateFor the Management : Sri M.T. Arunan,
Advocate**AWARD**

The Central Government, Ministry of Labour vide Notification Order No. L-42012/199/2001-IR(CM-II) dated 2-8-2002 has referred the following dispute to this Tribunal for adjudication :—

“Whether the discharge of Smt. J. Radha, Laboratory Peon by the management of BCG Vaccine Laboratory, Guindy, Chennai is legal and justified? If not, relief the workman is entitled to?”

2. After the receipt of the reference, it was taken on file as I.D.No. 74/2002 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their respective Claim Statement and Counter Statement.

3. The averments of the Petitioner in the Claim Statement are briefly as follows:—

The Petitioner namely Smt. J. Radha has registered her name with Employment Exchange and her name was sponsored by Employment Exchange for suitable appointment in the Respondent/Management. The Respondent has initially employed the Petitioner as Casual Labourer from 16-2-95 and after working continuously for about two years as Casual Labourer, the Respondent appointed the Petitioner as Laboratory Peon w.e.f. 3-3-97 and her probation period was fixed as two years. The Respondent has unilaterally extended her probation for further period of one year from 5-4-99. But again in the year 2000, the Respondent has extended the period of probation of the Petitioner for further period of one year from 3-3-2000. During the said period the Petitioner applied maternity leave from 16-10-2000 to 27-02-2001 and it was sanctioned by the Respondent. The Petitioner applied for extension of maternity leave and it was also sanctioned by the Respondent/Management. During the period of employment, the Petitioner had been subjected to severe mental tension, humiliation and harassment at the hands of the Respondent and she has submitted her representation about the harassment to the higher authorities on 29-3-2001. While so, the Respondent/Management with a vindictive attitude passed an order dated 29-03-2001 discharging the Petitioner from service

w.e.f. 30-3-2001 and she was also recalled from her leave. The Petitioner says that it is not termination but it is a clear case of victimisation and unfair labour practice. Further she has completed more than 240 days of continuous service in one year prior to her termination and hence, the Respondent has not complied with the mandatory requirements under Section 25F of the Industrial Disputes Act, 1947 before passing the termination order. It is also contrary to Section 25G of the Industrial Disputes Act, 1947. The industrial dispute raised by the Petitioner before the Assistant Labour Commissioner (Central) ended in failure, hence the Ministry has referred this dispute to this Tribunal. The Petitioner therefore, prays that an award may be passed in her favour.

4. The Respondent in their Counter Statement contended that the Respondent BCG Vaccine Laboratory is a subordinate institution of the Central Govt. under the administrative control of the Union Ministry of Health & Family Welfare, New Delhi and this Lab is not an industry and the Industrial Disputes Act, 1947 is not applicable to the Respondent/Management institution. Even in the order of appointment of the Petitioner, it is mentioned that her period of probation may be extended or curtailed at the discretion of the appointing authority. In this case, the Petitioner's period of probation was extended on the recommendations of the Departmental Promotion Committee and not unilaterally by the Respondent/Management. Further based on the performance of the Petitioner, the Respondent office has decided to extend the period of probation of the Petitioner for a further period of one year. It is false to allege that the Respondent has sanctioned the extension of Maternity Leave. The Petitioner was sanctioned only earned leave in continuation of her maternity leave from 28-2-2001 to 30-03-2001. During the course of service, the Petitioner was warned quite a few occasions for lack of discipline, insubordination, non-performance of duties etc. It is false to allege that the Petitioner was discharged as a result of her representation dated 29-3-2001. Her discharge was based on the findings of the Departmental Promotion Committee. Since the Respondent Lab is not an industry and since the Petitioner is not a workman, the question of complying with the mandatory requirements of Section 25F of Industrial Disputes Act, 1947 will not arise. The Petitioner was discharged due to non-satisfactory completion of her probation. Hence, the Respondent prays that the industrial dispute may be dismissed.

5. The points for determination in these circumstances are —

- (i) “Whether the discharge of Smt. J. Radha, Laboratory Peon by the Respondent is legal and justified?”
- (ii) To what relief the concerned workman is entitled to?”

6. Point No.1:—

In this case, the Petitioner examined herself as WW1 and marked 29 documents as Ex. W1 to W29 and on the side

of the Respondent one Sri T. Shameem Ahmed, who is working as Refrigeration Engineer in the Respondent/Management was examined as MW1 and 3 documents were marked as Ex.M1 to M3. The Petitioner in her evidence has stated that after the present Director of the Respondent Lab assumed charge, she has been subjected to severe mental tension, humiliation and harassment at the hands of the administration. Her husband Sri Ajit Kumar was a Secretary of the Employees Union, but this was not liked by the Director and as a result, both the Petitioner and her husband were targeted and subjected to all harassments. It is her further evidence that even during pregnancy period, despite the advice of Doctor, she was posted in washing section. The Petitioner further stated that after the completion of two years period of probation, the Respondent/Management unilaterally and without any justification had extended her probation for a further period of one year and even after the said extended period, she has not been regularised in service and the Respondent/Management vindictively extended her probation for further period of one year i.e. upto 03-03-2001. It is her further evidence that certain women employees who had suffered harassment at the hands of Director have submitted a memorandum dated 19-03-2001 and the administration has asked the women employees about the complaints regarding harassment and in pursuance of that she has submitted her detailed representation under the original of Ex.W21 to the administration and also the Secretary, Ministry of Health & Family Welfare, New Delhi. After that the Respondent/Management with a vindictive attitude passed an order dated 29-03-2001 under the original of Ex.W22 stating that the Petitioner has been discharged from service w.e.f. 30-03-2001 and the management has also vindictively recalled the Petitioner from leave. It clearly proves that the discharge/termination was not for an administrative reason but only a vindictive action. It is her further evidence that the Respondent/Management was not followed the mandatory provisions of the Industrial Disputes Act, 1947 before passing the order of termination.

7. As against this, on the Respondent side one Mr. T. Shameem Ahmed has stated that the Respondent Lab is a subordinate institution of the Central Govt. and this lab is not an industry and the Industrial Disputes Act, 1947 does not apply to the Respondent office. It is his further evidence that the appointing authority has got discretionary powers to extend the period of probation of the Petitioner. But, in this case, the probation of the Petitioner was extended only on the recommendations of the Departmental Promotion Committee and not unilaterally by the Director. Further the decision to discharge the Petitioner from service was based on the findings of the Departmental Promotion Committee and it is in no way connected with the representation dated 29-03-2001 of the Petitioner. He further stated that the appointing authority has right to discharge the Petitioner, who was a probationer and the Respondent has also right to recall an employee

from leave that too who was on earned leave.

8. Therefore, from these evidences, the main issues to be decided are :—

- (i) Whether the Respondent lab is an industry and the petitioner is a workman? and
- (ii) Whether the Petitioner's discharge from service by the Respondent/Management is justified?

On the side of the Petitioner, it is contended that the activities specified by five words under the definition are—

- (i) "business"
- (ii) "trade"
- (iii) "undertaking"
- (iv) "manufacture"
- (v) "or calling"

These words determine what an industry is and what a cognate expression industrial is intended to convey. In this case, MWI has clearly admitted that they are manufacturing BCG Vaccines and the manufacturing process is doing by the management, as such the Respondent is an industry.

9. Further, it is the contention of the Petitioner side that under Ex.W1 an Award was passed by the Industrial Tribunal against the Respondent and it was not shown that the said Award has been set aside by any higher forums. Therefore, under these circumstances, these facts clearly establish that the Respondent Lab is an industry as defined under Industrial Disputes Act, 1947. I find much force in this contention because even though the Respondent contended that their lab is not an industry, BCG Vaccine was manufactured by the Respondent lab and it was supplied to hospitals and under such circumstances, manufacturing process is doing by the Respondent and therefore, the Respondent lab is an industry under the Industrial Disputes Act, 1947.

10. The next point to be decided in this case is whether the discharge/termination order passed by the Respondent against the Petitioner is legal and justified?

The counsel for the Petitioner argued that the discharge of probationer from service during the period of probation is only termination of service and therefore, the Respondent has to follow the provisions under section 25F of the Industrial Disputes Act, 1947. On the other hand, the Respondent has not followed the mandatory provisions of Industrial Disputes Act, 1947 and therefore, the order of discharge against the Petitioner is void. Further, he argued that the order of discharge is merely camouflage for an order of dismissal. But, in this case, the Respondent has not given any opportunity to defend herself against the allegations made by them in their Counter Statement and therefore, the order impugned is liable to be struck down. Though the order of discharge is a noncommittal, it cannot stand alone and there was nothing shown against the

Petitioner by the Respondent/Management that she has committed any misconduct or any other thing. Under such circumstances, the order of discharge which amounts to termination of service and therefore, the Respondent ought to have followed the mandatory provisions of Industrial Disputes Act, 1947 and since the Respondent/Management has passed the discharge order against the Petitioner without following the mandatory provisions of Industrial Disputes Act, 1947, the same is void, *ab initio*. But, on the other hand, on the side of the Respondent it is argued that the Petitioner was appointed as a probationer and her probation period was extended twice for non-satisfactory completion of probation and also disobedience of the orders of her superiors and even after the extension of probation, the Petitioner has not completed her probation satisfactorily and therefore, she has been discharged as per the Central Rules and therefore, it cannot be said that the Petitioner has been discharged vindictively or any such thing. But, the counsel for the Petitioner has relied on the rulings of Supreme Court reported in 2000 ILLJ 1099 in the case of *V.P. AHUJA Vs. STATE OF PUNJAB AND OTHERS*, wherein the Supreme Court has held that "a probationer like a temporary servant is also entitled to certain protection and his services cannot be terminated arbitrarily nor can those services be terminated in a punitive manner without complying with the principles of natural justice" Further, he relied on the rulings of Supreme Court reported in AIR 1984 SC 636 in the case of *ANOOP JAISWAL Vs. GOVERNMENT OF INDIA AND ANOTHER*, wherein the Supreme Court has held that "it is therefore now well settled whether the form of order is merely camouflage for an order of dismissal for misconduct it is always open to Court before which the order is challenged to go behind the form and ascertain the true character of the order. If the Court holds that the order though in the form is merely a determination of employment is in reality to cloak for an order of punishment, the Court would not be debarred merely because of the form of the order in giving effect to the rights conferred by law upon the employee." Relying this decision, the learned counsel for the Petitioner argued that only on the complaint made by the Petitioner against the Director of the Respondent/Management, the Respondent/Management has vindictively passed the order and further as a victimisation the Petitioner's probation was extended twice without any reason or rhythm. It is clearly established by the Petitioner that after seeing the complaint given by the Petitioner against the Respondent Director on 29-03-2001 under Ex. W22, the Respondent has passed an order of discharge recalling the leave granted by the Respondent to the Petitioner. I find much force in this argument because, I find, it is clearly established that the Respondent/Management has acted vindictively in the case of Petitioner because even assuming for an argument sake that the Respondent's action of discharge is valid in law, for what reason the Petitioner was recalled from leave is not proved by the

Respondent/Management beyond reasonable doubt. I think, it is only because of the representation made by the Petitioner against the Respondent Director and that made the Respondent to act vindictively and recalled the Petitioner from leave to serve the order of discharge. Further, the learned counsel for the Petitioner argued that since the Respondent lab is an industry, the discharge of probationer amounts to retrenchment and therefore, the provisions of Section 25F have to be complied with and for this he relied on the decision reported in AIR 1983 SC 1320 in the case of *KARNATAKA STATE ROAD TRANSPORT CORPORATION Vs. M. BORALAH AND ANOTHER*, wherein the Supreme Court has held that "once the conclusion is reached that retrenchment as defined in Section 2(oo) of the Industrial Disputes Act covers every case of termination of service except those which have been embodied in the definition, discharge from employment or termination of service of a probationer would also amount to retrenchment. Admittedly the requirements of Section 25F of the Industrial Disputes Act had not been complied with in these cases. Counsel for the appellant did not very appropriately dispute before us that the necessary consequence of non-compliance of Section 25F of the Industrial Disputes Act in a case where it applied made the order of termination void and therefore, the High Court has rightly come to the conclusion that in these cases the order of retrenchment was bad and consequently it upheld the Award of the Labour Court which set aside those orders and gave appropriate relief." Relying on this decision, the learned counsel for the Petitioner argued that even though the Petitioner was a probationer, he has worked more than 240 days in a year continuously and therefore, the termination of her service as a probationer would also amount to retrenchment and in this case the mandatory provisions of Section 25F has not been complied with and therefore, the order passed by the Respondent is void under law. Since I find that the Respondent is an industry and in view of the decision rendered by the Supreme Court in the above cited case that in such case the discharge amounts to termination of service of the Petitioner and in this case the Respondent has not followed the mandatory provisions under section 25F of the Industrial Disputes Act, 1947, I am of the opinion that the order impugned passed by the Respondent/Management BCG Vaccine Laboratory, Chennai is void in law. As such, I find this point in favour of the Petitioner.

11. The next point to be decided in this case is to what relief the Petitioner is entitled ?

In view of my foregoing findings that the impugned order passed by the Respondent/Management BCG Vaccine Laboratory, Chennai, is void in law, I find the Petitioner Smt. J. Radha is entitled for the relief as prayed for. Ordered accordingly. No costs.

12. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th November, 2003.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/Workman : Smt. J. Radha

For the II Party/Management : Sri T. Shameem Ahmed

Documents Marked :—

For the I Party/Workman :

Ex. No.	Date	Description
1	2	3
W1	28-01-91	Xerox copy of Gazette Notification effecting the Publication of Award passed by Industrial Tribunal, Madras.
W2	28-09-94	Original memo issued by Respondent to Petitioner to attend interview for the post of Casual Labour.
W3	29-10-94	Original call letter from Respondent to Petitioner.
W4	09-02-95	Original memo issued to Petitioner by the Respondent regarding her appointment as Casual Labour.
W5	15-02-95	Original letter from Respondent to Medical officer with regard to medical examination of Petitioner.
W6	17-02-95	Original order of Respondent appointing two daily rated Casual Labourers.
W7	31-10-95	Office order of the Respondent with regard to engagement of Casual Labour as daily rated Casual Labourers.
W8	08-01-97	Office memorandum issued to Petitioner by Respondent regarding recruitment to the post of Laboratory Peon.
W9	03-03-97	Appointment order issued to Petitioner as Laboratory Peon.
W10	03-03-97	Office order issued to Petitioner posting her in Unit I.
W11	17-02-98	Circular of the Respondent regarding seniority list for the post of Laboratory Peon.
W12	19-12-98	Office order issued by Respondent regarding transfer of laboratory peons to other units.

1	2	3
W13	05-04-99	Memo issued to Petitioner by the Respondent regarding extension of her probation period.
W14	14-06-2000	Memo issued to Petitioner regarding submission of medical advice.
W15	17-06-2000	Xerox copy of the reply given by Petitioner to the Memo dated 14-6-2000.
W16	22-06-2000	Xerox copy of the office order issued by Respondent regarding inter section transfer of Staff.
W17	14-07-2000	Xerox copy of the letter submitted by Petitioner to Respondent.
W18	28-09-2000	Copy of complaint preferred by Petitioner submitted To Director General of Health Services, New Delhi.
W19	24-10-2000	Leave sanction order for maternity leave issued to Petitioner.
W20	03-03-2001	Earned Leave sanction order issued to Petitioner.
W21	29-03-2001	Copy of representation submitted by Petitioner To Secretary, Ministry of Health & Family Welfare, New Delhi.
W22	29-03-2001	Order of discharge issued by Respondent to Petitioner.
W23	31-03-2001	Office order issued to Petitioner regarding cancellation of sanctioned leave.
W24	19-04-01	Copy of representation made by Petitioner to Director of Respondent.
W25	09-05-01	Copy of appeal preferred by Petitioner against order of discharge.
W26	22-05-01	Unsigned copy of letter from Petitioner to Respondent.
W27	16-05-01	Copy of petition filed by Petitioner before Assistant Labour Commissioner (Central).
W28	27-07-01	Reply submitted by the Respondent before Assistant Labour Commissioner (Central).
W29	02-08-02	Copy of order of reference from the Ministry.

For the II Party/Management :—

Ex. No.	Date	Description
M1	06-10-03	Authorisation issued by Respondent/Management to MW1 for giving evidence in this case.
M2	27-04-2000	Memorandum issued by the II Party/Management to the Petitioner.
M3	17-07-2000	Letter from the Respondent/Management to Medical Officer, CSI Kalyani Hospital, Chennai referring the case of the Petitioner.

नई दिल्ली, 28 नवम्बर, 2003

का. आ. 3509.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डी. वी. सी. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धनबाद नम्बर 2 (संदर्भ संख्या 203/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-11-2003 को प्राप्त हुआ था।

[सं. एल. 42012/3/2001-आई. आर. (सी.एम. II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 28th November, 2003

S.O. 3509.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 203/2001) of the Central Government Industrial Tribunal cum Labour Court, Dhanbad No. 2 as shown in the Annexure, in the Industrial Dispute between the management of West Zone Konar Dam D. V. C., and their workmen, received by the Central Government on 27-11-2003.

[No. L-42012/3/2001-IR (CM-ID)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial dispute under Section 10(1)(d) of the I. D. Act., 1947.

REFERENCE NO. 203 OF 2001

PARTIES: Employers in relation to the management of Superintending Engineer (Civil) West Zone Konar Dam D. V. C. and their workmen.

APPEARANCES:

On behalf of the workman : Shri Gururaj Singh Bahadur, the concerned workman.

On behalf of the employers: None.

State : Jharkhand

Industry : D. V. C.

Dated, Dhanbad, the 6th November, 2003

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-42012/3/2001 dated, the 18th July, 2001.

SCHEDULE

"Whether the action of the management of Konar Dam Damodar Valley Corporation in imposing compulsory retirement on Shri Gururaj Singh Bahadur, Armed Guard w.e.f. 6-5-2000 is legal and justified? If not, to what relief he is entitled to?"

2. In course of hearing of the instant reference the concerned workman Gururaj Singh Bahadur is present. Perused the petition filed by the management along with Office order dt. 11-2-2003 stating *inter alia* that the instant dispute has already been settled and as per settlement the concerned workman already joined to his service and for which the concerned workman is not willing to proceed with the hearing of this case. Since the dispute in question has already been settled and according to the settlement the concerned workman has already been joined to his service, there remains no more dispute to be adjudicated. Accordingly a 'No dispute' Award is rendered and the instant reference is disposed of on the basis of 'No Dispute' Award presuming non-existence of any industrial dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2003

का. आ. 3510.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पटना के पंचाट [संदर्भ संख्या 177/99 8(सी)/2001] को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2003 को प्राप्त हुआ था।

[सं. एल. 12011/29/1998-आई. आर. (बी. II)]

सी० गंगाधरण, अवर सचिव

New Delhi, the 28th November, 2003

S.O. 3510.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award Ref. 177 of 99/8C of 2001 of the Industrial Tribunal Patna (Bihar) as shown in the Annexure, in the Industrial dispute between the management of Bank of Baroda and their workmen, received by the Central Government on 28-11-2003.

[No. L-12011/29/1998-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

OFFICE OF THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, PATNA

Reference Case No. 177 of 1999
No. 8C of 2001

Bank of Baroda, the Deputy General Manager, BOB, 8th Floor, BSFC Building, Fraser Road, Patna and their workman Sri Krishna Kumar represented by the Asstt. General Secretary, Bihar State Bank of Baroda Employees Association, C/o. Bank of Baroda, Fraser Road, Patna.

For the Management : Mr. S. K. Choudhary, Senior Manager (HRM)

For the Workman : Sri G. N. Lal, General Secretary.

PRESENT: : Sri Priya Saran, Presiding Officer, Industrial Tribunal, Patna.

AWARD

The 20th November, 2003

By adjudication Order No. L-12011/29/98/IR (B-II) dated 17-2-99 the Government of India, Ministry of Labour, New Delhi has referred, under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act (hereinafter to be referred to as 'the Act'), the following dispute between the Management of Bank of Baroda, Patna and their workman Sri Krishna Kumar for adjudication to this Tribunal :

"Whether the action of the management of Bank of Baroda Patna in not regularising the workman Sh. Krishna Kr. as full time workman is justified? If not, to what relief the workman is entitled to?"

2. Both the workman Sri Krishna Kumar and the management of Bank of Baroda (hereinafter to be referred as workman Bank for short) appeared before this Tribunal and filed their written statements but did not prefer to examine any witness. They contested the Reference placing their arguments on the basis of documents filed by them.

3. Workman's case, in short, is that he was initially engaged as temporary peon in the Bank of Baroda and was posted at Pathardih Chatpatia Branch, where he worked with some breaks for 91 days in between 7-5-90 and 28-8-90. The Bank in the year 1991 invited applications vide advertisement

in News Papers to draw a panel of persons, who had worked on temporary basis for at least 90 days between 1-1-82 to 31-12-90 for considering their candidature against future vacancies. The Workman, Krishna Kumar put in his application pursuant thereof. While the matter remained pending, the Bank finding him eligible for regularisation posted the workman as peon at Kishanpur Branch, where he worked from 14-9-93 to 16-10-93. He was then shifted to Chorhar Branch where he worked from 18-10-93 to 18-10-94. Thereafter, by order dated 19-7-94 he was directed to report to the Regional Office, Patna wherefrom he was posted at S. K. Puri, Patna Branch on 3/4 wages. He joined there the same day as per Bank's order. He has been working in the Bank right from 14-9-93 continuously, but has not been regularised as yet inspite of repeated requests and pursuations. It is further stated by the worker that the Bank ignoring and superseding his claim has now absorbed 8 persons enumerated in the Written Statement. Hence this dispute.

4. Factual averments placed by the workman have not been disputed by the Bank excepting that were empanelment does not confer any right to appointment and more over, there had been misprinting in the advertisement as regards year covering the period of service making one eligible for empanelment. Bank has elaborated this saying that it made an advertisement on 14th and 15th of August, 1991 in News Papers in view of an approach paper of the Govt. of India that such persons were to be empanelled, who had worked on temporary basis at any Office/Branch in India as peon for 90 days or more between 1-1-82 to 31-12-90, but due to administrative error the advertisement mentioned 31-12-90 in place of 31-12-89. As the worker had worked in the Bank in the year 1990, he was wrongly empanelled on the basis of the advertisement wherein "1990" instead of "1989" had mistakenly crept in. Hence, workers' candidature was not cleared by the concerned Ministry and accordingly, he was not permanently absorbed in the Bank, since he never worked in between 1-1-82 to 31-12-89. It is further stated in the written statement the above advertisement was made as a special case, but at present, for any appointment in the subordinate cadre, recruitment rules are to be strictly followed and the applicants have to come via Employment Exchange.

5. The lone issue for the adjudication of the Reference is whether the worker is entitled to regularisation in the Bank as full time workman and what relief or reliefs he is entitled to?

FINDINGS

6. Documents filed by the workman have been marked Exts. W/1 to W/13. Ext. W/1 is a certificate issued by the Branch Manager, Patherdih, Chatpatia Branch as regards work done by the worker in the Branch between

7-5-90 and 28-8-90. The worker appears to have served the Bank for more than 90 days during period aforesaid. Ext. W/2 is the advertisement floated by the Bank for empanelment. The Bank has also filed the copy of this advertisement which has been marked separately as Ext. M/3. Both the Exts. relate with the proposal to draw up a panel of persons who had worked on temporary basis for 90 days or more between 1-1-82 to 31-12-90. The worker put in his application with Bio Data (Ext. W/3) seeking his empanelment and the Bank after considering his application listed his name in the panel.

7. It was submitted before me on worker's behalf that the Bank posted him at Kishanpur Branch as peon considering his eligibility for regularisation, although final decision in the matter was pending. The worker served the Bank at Kishanpur Branch from 14-9-93 to 16-10-93. He was thereafter transferred to Chorahar Branch where he worked till 18-7-94. He was thereafter by order dated 19-7-94 asked to report to Regional Office, Patna, wherefrom he was posted at S. K. Puri, Patna Branch on 3/4 scale. He joined there as per Banks' order and has been working since then continuously in the Bank. Ext. W/4 to Ext. W/10 are different letters and orders of the Bank in support of submissions aforesaid.

8. Bank has filed 5 documents on their behalf. Ext. M/1 and Ext. M/2 are circulars regarding educational and other criteria in the matter of appointment in subordinate cadre. Ext. M/3, M/4 and M/5 are same documents as Ext. W/2 and W/5 and W/1 respectively filed by the workman.

9. The documents and argument placed before me do clearly suggest that in view of advertisement (Ext. W/2 and M/3), the Bank floated a proposal for drawing a panel of persons who had worked on temporary basis for 90 days or more in between 1-1-82 to 31-12-90 for consideration of their cases for future vacancies subject to certain conditions. Since the worker had served the Bank for more than 90 days in the year 1990, as is disclosed by Exts. W/1 and M/5, he filed an application (Ext. W/3) to the Bank for his absorption. Although the matter was still under consideration, the Bank employed him at Kishanpur Branch as peon on temporary basis. The worker appears to have been transferred from one Branch to another and presently he is serving at Patna still on temporary basis. Exts. W/4 to W/10 stand in support of above fact.

10. In the facts and circumstances aforesaid it can be safely gathered that the worker's claim can not be easily brushed aside as he had been continuously working in the Bank since 1993. It so appears that he has been in Bank's job although on temporary basis for last 10 years continuously and uninterruptedly. He was being transferred and posted by the Bank as like a regular staff. Bank's argument that he is a casual worker can not be thus accepted. He was employed by the Bank as a peon pending

consideration of his permanent absorption in the Bank, but for the simply reason that he was considered eligible for such absorption and since 1993 he has been in continuous service with the Bank without any break. Such long period of his continuance in Bank's service, be on temporary basis, leads to the only inference that the post on which he is working is still vacant and subsisting against which the worker can be well absorbed on permanent basis.

11. This is one aspect of the case, which leans highly in workers' favour. The other aspect has been whether the refusal of workers' absorption after his empanelment can have any justification or not. The Bank says that the approach letter of the Govt. of India was meant to empanel only those persons who had worked on temporary basis in between 1-1-82 to 31-12-89, but in the advertisement there appeared 31-12-90 instead of 31-12-89 due to administrative lapses. There is no document before me to suggest that this error was ever rectified by any sort of corrigendum. The worker can not be allowed to suffer for the lapses on the Administrative side. The management can not take any advantage of its own folly. As the worker had worked for more than 90 days as desired in advertisement, he was quite justified in putting an application to the Bank for empanelment meant for absorption against future vacancies. When panel was prepared, the worker too was placed in the list. It has been said on workers' behalf that plenty of the candidates from the said list have been absorbed in the Bank on permanent basis, while workers' claim has been superseded and ignored. The appointment of persons from the list has not been controverted by the Bank. The Banks' action in not considering the worker on the sole ground that he had not worked prior to 31-12-89 is unjustified, discriminatory and against the principles of natural justice. The Bank should not have ignored workers' claim for absorption in the circumstances above.

12. Needless to say, that the worker thus deserves regularisation and absorption in the Bank on permanent basis in any view of the matter. The worker has sufficiently and beyond every doubt has established his claim before this Tribunal. Banks' action in discriminating the worker has been unjustified, illegal and against the principles of natural justice. The Bank is directed to immediately consider his candidature and claim for permanent absorption at par with other persons below him in the panel, who have been allegedly absorbed by the Bank. The issue stands accordingly decided.

13. Award accordingly.

PRIYA SARAN, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2003

का.आ. 3511.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिमी रेलवे,

कोटा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट (संदर्भ संख्या आई डी 104/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-12-2003 को प्राप्त हुआ था।

[सं. एल-41012/111/90-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 3rd December, 2003

S.O. 3511.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. I.D. No. 104/91 of the Central Government Industrial Tribunal, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Western Railway, Kota and their workman which was received by the Central Government on 02-12-2003.

[No. L-41012/111/90-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL : NEW DELHI

PRESIDING OFFICER : SHRI B.N. PANDEY

I.D. No. 104/91

Shri Ramesh Chander
Through The President,
National IVth Class Rail Mazdoor
Congress (INTUC) Workman

Versus

Divisional Railway Manager,
Western Railway,
Kota. Management

AWARD

The Central Government in the Ministry of Labour vide Order No. L-41012/111/90-IR (D.U)/D-2 (B) dated 11-9-91 has referred the following industrial dispute to this Tribunal for adjudication:—

“Whether the Sr. D.M.E. (C & W) and D.R.M., Western Railway, Kota are justified in not giving alternative job to Shri Ramesh Chandra, S/o Sh. Sant Ram, Khalasi who was found medically unfit in Category B-1 as a result of an accident met with during duty hours? If not what relief he is entitled to?”

2. In brief the relevant facts as alleged by the workman in claim statement are that he was working on the post of Khalasi w.e.f. 15-6-74 in C.TXR. Western Railway A.E.V., Agra and subsequently he was also acquired temporary status in the service and he was availing all the service benefits as a regular employee of the Railway; that

during his service on 3-3-85 while he was on duty his right eye was injured as a result of which he was got admitted for his treatment in Railway Hospital, Bombay where he remained under treatment in the hospital till 13-6-85 and after his fitness he was discharged from the Hospital and he was given fitness certificate by the Hospital in category C-II; that on the basis of his certificate of fitness in category C-II he was entitled to get an alternative light job in the Railway but despite his repeated request the workman was not given any alternative job/appointment although another employee of the Railway named Ramesh Chander/Kumar who had also sustained similar injury on duty was given a regular employment in the Railway; that during the service period, work and conduct of the workman was always very good but even then he was not given appointment/job till now despite various case laws and specific provisions of the law for giving appointment in such a case when any employee suffers injury on duty; that the workman was also not given any benefit in view of the provisions of Section 25-H and G of the I.D. Act, 1947 before his alleged retrenchment/removal from service; that the workman was also not given his wages/salary for the period between 3-3-85 to 13-6-85 during which he was admitted in the hospital for his treatment of the injury sustained while working on the duty for which the workman had filed a case L.C.A. No. 321/89 under Section 33-C(2) of the I. D. Act which was ultimately decided in favour of the workman/applicant against the opposite party on 1-10-90. The workman has, therefore, raised this dispute praying that he should be reinstated in the service with full wages alongwith the interest and other consequential benefits.

The claim of the workman has been contested by the respondent opposite party by way of filing a written statement wherein while denying the claim of the workman it has been inter alia, alleged that he—the workman was employed by the Chief Train Examiner, Agra w.e.f. 15-6-74 purely as a casual labour on daily wages. He was granted temporary status on 30-9-79 and had been paid accordingly, subsequently he was found unsuitable in the screening test and as such he was discontinued from service. Again he was taken on duty in December, 1984 as a fresh candidate. It is further alleged that the workman was injured on duty on 3-3-85 and then on medical discharge certificate he was taken on duty on 26-10-85. The workman was then declared medically unfit for category B-1 (carriage and wagon department) as such he was discontinued from service w.e.f. 13-2-86; that the workman could not be engaged as non approved candidate as there was no vacancy in Category C-2; that the case of Ramesh Kumar was of different nature and it has no relevancy with the case of the workman; that he is not eligible for any alternative job as per rules; that the railway administration has got an agency to recruit class III and IV staff against handicap quota on prescribed percentage for which a handicapped person has to apply for an appointment against notification;

that no one gets alternative job automatically against any handicapped quota; that it is admitted that exparte order dated 1-10-90 was passed by the Labour Court, Kanpur and that an application for setting aside exparte order has been filed by the railway which is still subjudice; that the claim of the applicant is liable to be dismissed with cost.

The workman also filed his rejoinder against the written statement of the respondents reiterating his earlier versions. It has been further alleged that after acquiring temporary status an employee becomes entitled to get full pay in regular grade; that after found fit in category C-II the workman was entitled to get alternative job but he was not given any job by the employers which was against the principles of social and natural justice; that the workman had sustained injury while he was on duty, therefore, after being found medically fit for category C-II, he is entitled to get service in alternative job.

5. In support of his case the workman filed various documents and also filed his own affidavit. In his evidence he was also examined as WW1. On the other hand the management has adduced no evidence at all.

6. Heard learned counsel/A.R. of both the parties and also perused the file.

7. At the very outset it is worth to be mentioned that the management has admitted in its written statement that the workman was employed w.e.f. 15-6-74 as casual labour on daily wages basis and he was also granted temporary status on 30-9-79. It is also admitted that the workman was injured on duty on 3-3-85 and admitted in Hospital for treatment and after discharge on the basis of medical certificate he was taken on duty on 26-10-85. Admittedly the workman was declared medically unfit, being injured on duty, for category B-I but he was declared and given fitness certificate for service in category C-II. But even then he was not absorbed in the service and he was discontinued from service. It is alleged by the management that there was no vacancy in category C. II, therefore, he could not be engaged. The Id. counsel for the workman argued that the workman was injured on duty, therefore, the management of Western Railway should have given him alternative job in category C-II for which he was found medically fit in view of the provisions of railway Management Rules Chapter XII "regarding absorption of medically incapacitated staff in alternative employment", wherein it has been laid down that "it will be the responsibility, primarily of the officer under whom the railway servant is directly serving to find suitable alternative employment for him". It was further provided in para 130 that "with a view to determine the categories in which a medically incapacitated railway servant is suitable for absorption a committee should examine him. The committee may consist of 2-3 officers posted at the head quarters of the officer under whom the medically incapacitated railway servant was working, the railway servants immediate officer

being one of the members of the committee. After the committee has examined the railway servant and determined his suitability for certain categories of posts, the officer under whom railway servant was working, will proceed to take further action to find suitable alternative employment for him. Since, admittedly, in the instant case, the workman sustained injury while on duty he was got admitted by the railway authorities in the hospital for his treatment and on being discharged from the hospital after his treatment he was declared medically fit for category C-II, therefore, it was duty of the railway officers particularly the officer under whom the workman was employed to take necessary action to find out necessary posts for his absorption/employment in the service but it appears that nothing was done in this regard by the management. In a case "Union of India Vs. Chander Prakash reported in 1987 Central Administrative Tribunals cases page 744", the Central Administrative Tribunal, Allahabad has held that "how can a person who has been working for the Administration be suddenly left in the lurch if he gets injured while doing the work?" It will be in human to treat him in the contemptual manner in which the administration treated him by not considering him to be given an alternative job when he reported back after release from the hospital or to continue him on the same job if he was capable to do the same and the job was continuing. The administration should have taken a compassionate view of the poorman and given him relief instead of treating his reporting for duty as illegal and ceasing him employment from the very next day when he was hospitalised". In the instant case the workman has also claimed that after his discharge from the hospital he was also not paid his wages even for the period 3-3-85 to 13-6-85 during which he remained hospitalised after sustaining his injuries on duty and for that he had filed a case LCA No. 321/89 under Section 33-C(2) of the I. D. Act before the CGIT, Kanpur which was ultimately allowed in his favour vide order dated 1-10-90 for Rs. 31936/- but he has also not been paid that amount till now.

8. In view of the above the action of the management of railway cannot be justified. I find that the Sr. D.M.E. (C&W) and D.R.M. Western Railway, Kota are not justified in not giving alternative job to Shri Ramesh Chander S/o Sant Ram Khalasi present workman who was found unfit in category B-I as a result of an accident met with during duty hours. I also find that he is entitled to get alternative job in category C-II for which he was found medically fit from the date of his medical certificate regarding fitness with his full back wages and all consequential benefits. In the circumstances of the case both the parties shall bear their own costs.

9. The Award is given accordingly.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

24-11-03

B.N. PANDEY, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2003

का. आ. 3512.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टैंडर्ड चार्टर्ड बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. I, मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-24/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-12-2003 को प्राप्त हुआ था।

[सं. एल. 12012/35/94-आई.आर. (बी. I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 3rd December, 2003

S.O. 3512.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-24/1995) of the Central Government Industrial Tribunal No. I, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Standard Chartered Bank and their workman, which was received by the Central Government on 02-12-2003.

[No. L-12012/35/94-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1

MUMBAI

PRESENT

Shri Justice S. C. Pandey
Presiding Officer

REFERENCE NO. CGIT-24/1995

Parties : Employers in relation to the
management of Standard Chartered
Bank

AND

Their Workmen

Appearances :

For the Management	:	Absent.
For the Workman	:	Sh. Pereira, Adv.
State	:	Maharashtra

Mumbai, dated the 11th day of November, 2003

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub section 1 and sub section 2 A of section 10 of the Industrial Disputes

Act, 1947 (the Act for short) for resolving the industrial dispute between Standard Chartered Bank (the Bank for short) and Mr. G. Mohan Achary (the workman for short). The terms of the dispute are as follows :

“Whether the action of the Manager, Standard Chartered Bank, Swatantra Path, Vascodagama (Goa) in denying the employment to Shri G. Mohan Achary, resident of House No. MHN-190/4, Below Gurudwara, Mangoor Hills, Vascodagama (Goa) as ‘Driver’ in the Bank w.e.f. 08-6-1993, because he was given appointment letters by respective Managers and salary from their allowances since 9-5-1990 onward showing as their ‘Personal Driver’ even though his services were utilized by the Bank of discharging all the routine, regular work of the Bank as the ‘Driver’ is justified? If not, what relief the workman is entitled to?”

2. The following essential facts are culled out for adjudication of the dispute from the Statement of Claim. From the statement of claim made on behalf of the workman, it is clear that he was serving as a Driver. He was driving the Staff Car of the Bank, situated at Vasco da Gama Branch. The Staff Car was used by the Branch Manager officially. He was initially employed orally by S. Suryanarayan on 09-5-1990. Thereafter, he was employed by P.M. Nimkar, who joined the branch on 16-7-1990. Mr. Nimkar issued appointment letter dated 01-8-1990. Then he gave another letter dated 01-1-1991 improving the conditions of the services of the workman. His successor Sunil Shirole gave a new appointment letter dt. 01-7-1992. It is alleged by him besides performing the functions of a driver, the workman performed duties for the Bank mentioned in paragraph 5 (a) to (5) (b). It is alleged that the services of the workman were terminated on 7-6-1993 orally by Mr. Sunil Shirol. The workman stated that he had served honestly and sincerely despite the fact he was not taken back in employment. The workman claimed that he received cross pay order dated 22-6-1993 towards full and final settlement. This was signed by Manager (Operations) Mr. D’Costa. The workman claimed reinstatement with back wages as he was really an employee of the Bank. He stated that he was granted leave on Sundays and Public Holidays. He was entitled and was given earned leave. He used to report to Bank in absence of the Bank Manager. He was doing collecting parcels addressed to the Bank arriving by Air or Lorry. He participated in the celebrations and the functions of the Bank.

3. In the written statement filed on behalf of the Bank, it was pleaded that workman was a personal employee of the Manager. He was not workman. There was no privity of Contract between the workman and the bank since the workman was a personal driver of the Branch Manager, the Bank was not responsible for his payment and employment.

The contents of paragraph 5 (a) to 5 (b) were specifically denied requiring the workman to prove these facts strictly. The Bank took stand as to other allegations that it is not aware of what transpired between him and Mr. Shirole and did not want to reply to those allegations made by the workman against Mr. Shirole in personal capacity. It was stated letter dated 22-6-1993 was issued by Mr. Shirole in personal capacity. The pay order dated 22-6-93 was issued by the Bank under the instructions of Mr. Shirole, who had personally paid the amount. Consequently, it was banking transaction in the nature of routine customer service business. All other allegations were denied in the foundation that workman was not employee of the Bank. It was denied that the workman performed any duty for the Bank. The Bank relied on payment receipts of the Bank Managers. It is not necessary to give each and every paragraph of written statement.

4. The workman filed his rejoinder. he reiterated his basic stand in the statement of claim. It was denied that Car was allotted to Manager. He filed certain document. The workman filed his affidavit in support of his claim by way of examination in chief. He was cross examined. The Bank examined Sunil Shirole as its witness. He too was cross examined. Both the parties closed their cases on 05-8-1996. Thereafter, the matter could not be disposed of because the parties did not argue the case at a Goa. The parties filed their written arguments but been seeking time for oral arguments or for Settlement. On 28-1-2002 nobody appeared for the Bank. The case was adjourned to 14-1-2003 at Goa. Nobody appeared for the Bank on that date. The tribunal was informed that the Bank had closed its branch at Vascoda gama. Therefore, notice was sent to the main branch for hearing on 27-10-2003. Nobody appeared on 27-10-2003 and 28-10-2003.

5. The crux of the matter is Whether this tribunal can hold on basis of material on record that real employer was bank and Branch Manager had not employed the workman. The workman had himself stated that he was employed orally by S. Suryanarayan. He has filed the order dated 1st August 1990 (Ex-A) and the order dated 1st Jan 1992 (Ex-B) issued by Pramod imkar. Both these document show that he was employed as the personal driver and signed both these documents. The same position emerges from appointment letter dated 1st July 1992 Exhibit-C issued by the next Branch Manager Sunil Shirole. In fact the workman did not dispute the above facts. Therefore, having given in writing that he accepted the employment of successive Branch Manager personally it was incumbent upon the workman to plead and prove that these letters were mere camouflage so that this tribunal may lift the veil to find out that the face of real employer i.e. Bank. One of the crucial question for determining the contract of employment shall be if the workman was paid his salary by the Managers themselves from their own pocket. The affidavit of the workman is silent about the mode of receipt

of his salary. However in cross examination the workman admitted that Mr. Suryanarayan paid his salary in cash. He volunteered that cash vouchers were issued. He admitted that he was paid salary by Mr. Nimkar. he admitted Ex. M1 to Ex.M11 were the receipts which signed for receiving money from Mr. Shirole. He stated further than he was required to sign any register of bank on receipt of his salary. He admitted that the salary paid to him during tenure of three managers was entered on the pages of note books marked as M1 to M11 have been entered. He admitted that Sh. Shirole paid him advance from 17-7-1992. The entry was made in the same note book M1 to M11. He stated that pages from that note book were removed. It appears that workman had requested Mr. Suryanarayan to get him employment with the Bank. Mr. Suryanarayan had told that the next branch manager would get him that job. Thus the workman was aware that he was not given the job by the Bank. But despite the situation he accepted the personal employment. The note Book M1 to M11 also shows that he received salary from the Bank Managers personally.

6. As against the evidence of Sunil I. Shirole is that he was given as a perquisite of his office an Air conditioned car. He appointed the workman as his personal Driver. He stated that he had fixed the service conditions of the driver. He denied that the workman was given holidays as per List of official holidays of the Bank. He stated that the workman used to do his personal work like going to school with the children. He denied that the car driven by the workman was common official car. He denied that workman did any work of the Bank. He stated that he used to go to airport to receive the Superior Officer along with the workman. He admitted that sometimes the workman may have brought some parcel due to urgency. This is the outline of statement of Mr. Shirole. He was thoroughly cross examined. However, in counsel for the workman could not bring out anything worthwhile for concluding that the workman was issued fraudulent appointment letters. There is no evidence that workman was really paid by the Bank. The workman has failed to prove that he was serving the Bank under a smoke screen of fraudulent letters. The presumption that document Exhibit A, B and C filed by the workman state correct position does not stand rebutted. The conclusion is that the workman has failed to establish his case. No evidence has been led to show that the Bank had any control over the services of the workman. The decision of Supreme Court in case of Punjab National Bank vs. shivendra sharama 1955 1 LLJ 1955 showed that the treasurers shall serve the bank and shall receive the remuneration from the Bank and they shall pay salaries to their nominees. The nominees shall obey the orders of the Bank. The treasurers and the nominees were fully controlled by Bank, in respect of conduct, character etc. The long agreement was interpreted by Supreme Court for holding that Cashier and Assistants employed by the 'Contract treasurers' were really the employees of the Punjab

National Bank. It may be mentioned that in that case the 'Contract Treasurer's were not treated as independent contractors looking to the actual circumstances of the case and the degree of control employed by the Punjab National Bank, over their nominees. The conclusion was based on interpretation of the agreement. The Supreme Court in Employers in relation to Punjab National Bank Vs. Ghulam Dastgir 1978 I LLJ 312 (SC) in somewhat similar circumstances stated :

"There is nothing on record to make out nexus between the Bank and the driver. There is nothing on record to indicate that the control and direction vested in the Bank"

The same test has been applied. The evidence on record was prima facie to the contrary when we read the letters of appointment and the work done by the workman. The workman failed to rebut the presumption. Of course, this case decides itself on its own facts and not on the basis of any precedent.

7. This reference is answered by stating that workman has failed to prove that he was an employee of the Bank. He was a personal employee of Mr. Sunil Inderson Shirole who dismissed him from employment. Since workman was not covered by the Section 2 (S) of the Industrial Disputes Act, he could not raise an industrial dispute which gives power to this tribunal to adjudicate upon this reference. This tribunal further finds that the workman had failed to prove that he was doing the regular and routine work of the Bank. The reference is rejected. No costs.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2003

का.आ. 3513.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ बीकानेर एंड जयपुर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अजमेर के पंचाट (संदर्भ संख्या 5/02) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-12-2003 को प्राप्त हुआ था।

[सं. एल. 12012/14/2002-आई. आर. (बी. I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 3rd December, 2003

S.O. 3513.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 5/02) of the Industrial Tribunal/Labour Court, Ajmer now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Bikaner & Jaipur and their workman, which was received by the Central Government on 02-12-2003.

[No. L-12012/14/2002-IR (B.1)]

AJAY KUMAR, Desk Officer

अनुबन्ध

श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण, अजमेर (राज.)

पीठासीन अधिकारी : अतुल कुमार जैन, आरएचजेएस

प्रकरण संख्या-सीआईटीआर-05/02

(केंद्र सरकार का रेफरेंस पत्र क्र. एल.

12012/14/2002/आईआर/बी-1

नयी दिल्ली दिनांक 17-05-02)

बंशीसिंह पुत्र हजारी सिंह रावत जरिये अखिल भारतीय स्टेट बैंक

बीकानेरी कर्मचारी संघ

... प्रार्थी/श्रमिक

बनाम

प्रबंध निदेशक, एस.बी.बी.जे. तिलक मार्ग प्रधान कार्यालय, जयपुर

... अप्रार्थी/नियोजक

.....

उपस्थित : श्री ललित शर्मा, महामंत्री, अखिल भारतीय एसबीबीजे, कर्मचारी संघ, प्रार्थी की ओर से।

श्री मनोज शर्मा, बैंक अधिकारी, विपक्षी की ओर से।

.....

दिनांक 4-10-03

अवार्ड

इस प्रकरण में केंद्र सरकार से प्राप्त रेफरेंस (श्रम विवाद)

निम्न प्रकार था : — "क्या नियोजक प्रबंध निदेशक (एस.बी.बी.जे. प्रधान कार्यालय, तिलक मार्ग जयपुर) द्वारा कर्मकार बंशी सिंह पुत्र हजारी सिंह रावत को स्वेच्छिक सेवा योजना के अंतर्गत बीस वर्ष से अधिक सेवा के उपरांत उसे परिलाभ से वंचित करना एवं दि. 1-4-01 से पेंशन नहीं दिया जाना न्यायोचित है ? यदि नहीं तो श्रमिक अपने नियोजक से क्या राहत पाने का अधिकारी है ?

रेफरेंस प्राप्त होने पर प्रार्थी की ओर से संबंधित यूनियन के महापंजी श्री ललित शर्मा ने दि. 1-9-02 को स्टेटमेंट ऑफ क्लेम प्रस्तुत किया था। प्रारंभिक आपत्तियों के साथ क्लेम का पैरावाईज/जवाब विपक्षी की ओर से वाद प्रभारी श्री मनोज कुमार शर्मा बैंक अधिकारी ने दि. 3-9-02 को पेश किया था।

क्लेम के समर्थन में प्रार्थी बंशी सिंह रावत ने स्वयं का शपथ पत्र दि. 10-3-03 को अपनी साक्ष्य में प्रस्तुत किया था तथा 28-4-03 को उसने विपक्षी ने जिरह की थी। विपक्षी बैंक की ओर से श्री राजेंद्र कुमार वृंदानी प्रबंधक एस.बी.बी.जे. शाखा ब्यावर का शपथ पत्र दि. 23-05-03 को पेश हुआ था तथा उससे जिरह दि. 20-7-03 को प्रार्थी ने की थी।

प्रार्थी श्रमिक की ओर से दस्तावेजात् प्रदर्श डब-1 जगायत प्रदर्श डब. 18 साक्ष्य में प्रदर्शित कराये गये हैं जबकि विपक्षी की ओर से प्रदर्श एम-1 लगायत 40 साक्ष्य में प्रदर्शित कराये गये हैं। प्रार्थी श्रमिक की ओर से मौखिक बहस के अलावा लिखित बहस भी दिनांक 16-9-03 को पेश की गयी थी एवं विपक्षी की ओर से मौखिक बहस के अलावा लिखित बहस भी दि. 18-10-03 को पेश की गयी थी। उभयपक्ष की लिखित बहस रेकार्ड पर रखी गयी है। मैंने उभयपक्ष के तर्कों पर मनन किया तथा मैंने पत्रावली में उपलब्ध साक्ष्य का अध्ययन किया। हमारा विवेचन निम्न प्रकार है :—

प्रार्थी श्रमिक ने इस प्रकरण में खुद के पक्ष में निम्न नज़ीरें उल्लेखित की हैं :—

1. स्टेट ऑफ हरियाणा/श्रीराम 1999 (2) एसएलआर पंजाब एंड हरियाणा 215
2. कुलवंत कौर/स्टेट ऑफ पंजाब 2002 (5) एसएलआर पंजाब एंड हरियाणा पेज 129
3. लाभसिंह/स्टेट ऑफ पंजाब 1999 (4) एसएलआर पंजाब एंड हरियाणा पेज 754

विपक्षी द्वारा खुद के समर्थन में निम्न नज़ीरों का अवलंब लिया गया है :—

1. ए.पी. श्रीवास्तव/यूनियन ऑफ इंडिया 1995 एससीसी एल एंड एस 1365
2. डा. आर.के. रस्तोगी/डायरेक्टर ऑफ हायर एजुकेशन 2002 (94) एफएलआर इलाहाबाद पेज 10
3. आर.एल. मारवाह/यूनियन ऑफ इंडिया 1987 एससीसी (एल एंड एज) पेज 350
4. एम. सी. श्रीगिरा/यूनियन ऑफ इंडिया 1996 एससीसी (एल एंड एज) 646

अपने विवेचन में हम उभयपक्ष द्वारा उल्लेखित उक्त नज़ीरों में वर्णित सिद्धांतों की पालना करेंगे।

प्रकरण में प्रार्थी बंशी सिंह रावत द्वारा वालेंट्री रिटायरमेंट मांगना एवं 31-3-01 से उसे वालेंट्री रिटायरमेंट दिया जाना विवादित नहीं है। वालेंट्री रिटायरमेंट के उपरान्त प्रार्थी को विपक्षी ने पेंशन देने से यह कह कर इंकार कर दिया है कि उसका स्थाई सेवाकाल 23-9-81 से 31-3-03 तक केवल मात्र उन्नीस वर्ष छः माह नौ दिन का होता है और न्यूनतम बीस वर्ष की अर्हक (क्वालीफाईंग) सेवा के अभाव में उसे पेंशन दी जाना संभव नहीं है। प्रार्थी का कहना है कि पूर्व की उसकी लगभग पांच वर्ष की टेंपेरी सर्विस को बैंक पेंशन हेतु सेवाकाल में नहीं जोड़े तथा सेना में उसके द्वारा किये गये सेवाकाल को भी पेंशन के लिए बैंक नहीं जोड़े तो भी एस.बी.बी.जे. (कर्मचारी) पेंशन विनियमन, 1995 के नियम 18 के तहत प्रार्थी का स्थाई सेवाकाल बीस वर्ष का माना जाना चाहिए क्योंकि उक्त प्रावधान के अनुसार यदि किसी कर्मचारी की सेवा में एक वर्ष से कम का खंडित सेवाकाल सम्मिलित है तथा वह खंडित सेवाकाल छः महीने से अधिक हो तो उसे एक वर्ष माना जाना

चाहिए। उक्त नियम 18 को प्रार्थी की अर्हक (क्वालीफाईंग) सेवा की गणना के लिए इग्नोर (ignore) नहीं किया जा सकता है। उक्त प्रावधान के तहत प्रार्थी के छः माह नौ दिन के ब्रोकन पीरियड को एक वर्ष माना जाना आवश्यक है और तदनुसार प्रार्थी का स्थाई सेवाकाल बीस वर्ष माना जावेगा प्रावधानों का यह विवेचन अर्हक सेवा की गणना के लिए तथा पेंशन के भुगतान के लिए समान रूप से लागू होगा।

हिंदी भाषा में एक मुहावरा है :—लेते समय सीताराम जी तब देते समय राधेश्याम जी। विपक्षी बैंक ने प्रार्थी को रिटायर करने के लिए उसका सेवाकाल बीस वर्ष मान लिया है परंतु जब पेंशन देने का नंबर आया तो विपक्षी बैंक कहती है कि प्रार्थी का सेवाकाल बीस वर्ष का नहीं हुआ था। विपक्षी बैंक पेंशन नहीं देने के लिए दोहरा मापदंड अपनाकर प्रार्थी के साथ अन्याय कर रही प्रतीत होती है। माननीय पंजाब एवं हरियाणा उच्च न्यायालय ने कुलवंत कौर/स्टेट ऑफ पंजाब के पूर्व में उल्लेखित निर्णय में यह स्पष्ट रूप से निर्धारित किया है कि प्रार्थी को जब उसका अर्हक सेवाकाल बीस वर्ष का मानकर उसकी वालेंट्री रिटायरमेंट की प्रार्थना स्वीकार की गयी है तो उसे पेंशन देने से इंकार करने के लिए बैंक यह नहीं कह सकेगी कि उसके स्थाई सेवाकाल बीस वर्ष से कम है। माननीय पंजाब उच्च न्यायालय का उक्त निर्णय वर्तमान प्रकरण पर शत-प्रतिशत लागू होता है। वर्तमान प्रकरण में तो प्रार्थी ने विकल्प में यह प्रार्थना भी की है कि यदि बैंक उसका स्थाई सेवाकाल बीस वर्ष से कम होना मानती है तो उसकी वालेंट्री रिटायरमेंट की अर्जी उसे वापस दे दी जावे क्योंकि वह बैंक से प्राप्त समस्त रिटायरमेंट परिलाभ बैंक को वापस लौटाकर बैंक की सेवा में सामान्य रिटायरमेंट की आयु तक काम करते रहने को तैयार है।

इस प्रकार इस प्रकरण में विपक्षी बैंक द्वारा प्रार्थी की पेंशन रोककर उसके साथ अन्याय किया गया प्रतीत होता है। प्रकरण का अवार्ड इस प्रकार पारित किया जाता है कि प्रार्थी बंशी सिंह रावत विपक्षी बैंक से वालेंट्री रिटायरमेंट पर देय होने वाली पेंशन उसके स्थाई सेवाकाल को बीस वर्ष का मानते हुए प्राप्त करने का हकदार है। पेंशन के एरियर्स पर प्रार्थी विपक्षी बैंक से बारह प्रतिशत साधारण वार्षिक ब्याज भी प्राप्त करने का हकदार रहेगा।

अवार्ड आज दि. 4-11-03 को मेरे द्वारा लिखाया जाकर हस्ताक्षरित एवं दिनांकित किया जाकर खुले न्यायालय में सुनाया गया। अवार्ड की प्रति नियमानुसार केंद्र सरकार को वास्ते गजट में प्रकाशन प्रेषित की जावे।

अतुल कुमार जैन, न्यायाधीश

नई दिल्ली, 3 दिसम्बर, 2003

का. आ. 3514.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, धनबाद के पंचाट (संदर्भ संख्या 212/2001) को

प्रकाशित करती है, जो केन्द्रीय सरकार को 03-12-2003 को प्राप्त हुआ था।

[सं. एल. 40012/117/2001-आई.आर. (डीयू)]

बी०एम० डेविड, अवर सचिव

New Delhi, the 3rd December, 2003

S.O. 3514.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 212/2001) of the Central Government Industrial Tribunal/Labour Court No. 2, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 03-12-2003.

[No. L-40012/117/2001-IR (DU)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT:

SHRIB. BISWAS, Presiding Officer.

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act., 1947.

Reference No. 212 of 2001

PRESENT:

Employers in relation to the management of
The Chief General Manager, Bihar Telecom
Circle and their workman.

APPEARANCES:

On behalf of the workman : Mr. P.R. Rakshit,
Advocate.

On behalf of the employers: Non.

State : Jharkhand : Industry : Telecom.

Dated, Dhanbad, the 20th October, 2003.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-40012/117/2001 (IR)(DU) dated, the 9th July, 2001.

SCHEDULE

“Whether the action of the management of Telecom Department now Bharat Sanchar Nigam Limited office GMTD, Gaya in terminating the services of Sh. Ramesh Bhagat w.e.f. 16-5-1996 is justified? If not, what relief the workman is entitled for?”

2. The case of the concerned workman according to written statement submitted by him is as follows :—

The concerned workman submitted that he was engaged as casual labour on daily wages basis in the Deptt. of Telecom in the year 1984 by then Asstt. Engineer Carrier-II Patna and he was allowed to work from 1-7-84. Thereafter he was allowed to work at several places under different controlling authorities wherever his work was required.

He submitted that he was engaged as casual labour without being sponsored by the Employment Exchange was waived by the Govt. of India, Department of Personal and Training in their office Memo. No. 49014/18/84-Estt. (C) dt. 7-5-85 for engagement of casual Labour before 30-3-85. He submitted that his engagement as casual worker by the management without being sponsored by the Employment Exchange cannot be considered as an irregular engagement. He submitted that management by using a letter No. 269-01-89 STN of 7-11-89 considered temporary status to casual workers who completed 240 days of work continuously in a calendar year. He submitted that in the year 1995 as he worked for more than 240 days under the management and also as he fulfilled other conditions viz age, educational qualification etc. He submitted representation to the management for giving him temporary status as per circular issued by the management dt. 7-11-89 but he alleged that instead of considering his prayer they are stopped him from work with effect from 16-5-96 violating the specific provision as laid down under Section 25F of the I.D. Act. He disclosed that even after stopping him from work he submitted representations to the management repeatedly with prayer for his reengagement as casual worker and also for grant of temporary status from the date due but his all such representations were ignored by the management. As a result he was compelled to serve legal notice to the management for his re-engagement and grant of temporary status but that too did not yield any result taking the plea that his engagement as casual worker by one Hardeo Prosad the then S.D.O.P. (0) Nawada Telephone Exchange was without approval of the competent authority. Denying this fact he submitted that actually he was engaged by the then Asstt. Engineer, Carrier-II, Patna which will be evident from the mazdoor card issued to him. He submitted that management allowed him to work from 1-7-84 to 15-5-96 i.e. for more than 11 years and crossed the age to be engaged in any Deptt. either under Central Govt. or under Govt. of Bihar and inspite of getting knowledge of this fact they illegally arbitrarily and violating the principle of natural justice stopped him from his work which is not sustainable in the eye of law.

Accordingly he raised an industrial dispute before the ALC (C) Patna for conciliation which ultimately

resulted reference to this Tribunal. In view of the facts and circumstances stated above he submitted his prayer to pass an award directing the management to re-engage him and to give him temporary status from the date due.

Management on the contrary neither appeared nor submitted any written statement-cum-rejoinder in response to written statement submitted by the concerned workman inspite of issuance of repeated notices. Accordingly the case was heard exparte.

3. The points to be considered in this reference are :—

“Whether the action of the management of Telecom Department, now Bharat Sanchar Nigam Limited office of GMTD, Gaya in terminating the services of Sh. Ramesh Bhagat w.e.f. 16-5-1996 is justified? If not, what relief the workman is entitled for?”

4. FINDING WITH REASONS

It transpires from the record that the concerned workman in order to substantiate his claim examined himself as WW-1. Management neither submitted any W. Statement nor adduced any evidence in order to counter the claim of the concerned workman. Now let me consider how far the concerned workman has been able to substantiate his claim.

The concerned workman during his evidence disclosed that he was appointed as Labour by the Telecom Deptt. at Gaya under Patna Circle on 1-7-84. He alleged that the management illegally, arbitrarily and violating the principle of natural justice stopped him from service with effect from 15-5-96. He disclosed that from 1-7-1984 to 15-5-96 he worked under the management continuously and uninterruptedly and in support of his claim he relied on the letter issued by the management marked as Ext. W-1. He further submitted that during the period of his service he attended to his duty for more than 240 days in each year to the entire satisfaction of the management. He submitted that inspite of rendering long 11 years of continuous service the management did not consider his prayer to regularise him in view of circular issued by the management vide letter No. 269-10/89-STN dt. 7-11-89 which is popularly known as casual labourer (Grant of temporary status and Regularisation) Scheme of Telecom 1989 effective from 1-10-89 while some workmen viz. Kishore Bhagat, Sidheswar Yadav, Ramasish Yadav who were juniors to him have been retained by the management. He alleged that even after his retrenchment management engaged many other casual workers. He alleged that neither any notice nor any compensation was paid to him before he was stopped from his service with effect from 15-5-96. He alleged that as the management illegally and arbitrarily stopped him from service and also inspite of giving representation as they refused to retain him in service he issued a notice through his Advocate in this regard but that did not yield any result.

5. The document marked as Ext. W-1 shows particulars of the concerned workman issued under signature of Carrier-II Patna without any date. Accordingly there is no scope to say when the said document i.e. mazdoor card was issued by the management under signature of the said Asstt. Engineer. The letter marked as Ext. Y for identification shows that District Manager, Telecom, Gaya wrote the same addressed to ADT(S) with the request to issue order whether the said D.R.M may be allowed to work as DRM as the above candidate was engaged by Shri Hardeo Prosad the then S.D.O.T. (M) Exchanges Nawada without approval of the Competent authority. It has also been informed that the work of the D.R.M. i.e. the concerned workman was to be discontinued since 16-5-96. Therefore, considering that letter there is no dispute to hold that the concerned workman was engaged as daily rated Mazdoor by one S.D.O.I named above without prior permission of the competent authority and his work as D.R.M had been stopped with effect from 16-5-96.

It is the specific claim of the concerned workman that he was engaged by the management as casual worker on daily rated mazdoor in the year 1984. In course of hearing the concerned workman has failed to produce a single scrap of paper to show about his engagement as casual worker in the year 1984.

It is fact that in course of hearing the concerned workman submitted some relating to his attendance for work under the management as Ext. X for identification collectively. I have carefully considered those papers i.e. attendance sheets. Considering these papers there is no scope to accept such submission without its corroboration by cogent evidence. It is fact that management has failed to appear inspite of issuance of repeated notices but that does not mean that his oral evidence should be considered as gospel truth in support of his claim without getting its corroboration by cogent documentary evidence. It is true that the concerned workman in course of hearing relied on certain document but those documents in no circumstances could be able to substantiate his claim.

Accordingly, after careful consideration of all the facts and circumstances I hold that the concerned workman has failed to substantiate his claim and for which he is not to get any relief.

In the result, the following award is rendered :—

“The action of the management of Telecom Department, now Bharat Sanchar Nigam Limited office of GMTD, Gaya in terminating the services of Sh. Ramaesh Bhagat w.e.f. 16-5-1996 is justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2003

का. आ. 3515.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फॉरेस्ट रिसर्च इंस्टिट्यूट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट (संदर्भ संख्या 164/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-12-2003 को प्राप्त हुआ था।

[सं. एल. 42012/124/97-आई.आर. (डीयू)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 3rd December, 2003

S.O. 3515.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 164/98) of the Central Government Industrial Tribunal/Labour Court New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Forest Research Institute and their workman, which was received by the Central Government on 03-12-2003.

[No. L-42012/124/97-IR (DU)]

B.M. DAVID, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: NEW DELHI

Shri Badri Niwas Pandey, Presiding Officer

I.D. No. 164/98

Shri Pooran Chand Kandwal,
S/o Shri Khem Chand Kandwal,
R/o Bapugram, Rishikesh,
District Dehradun.

...Workman

Versus

Registrar,
Forest Research Institute,
P.O. New Forest,
Dehradun-248001

...Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/124/97-IR (DU) dated 3-7-98 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of Forest Research Institute, Dehradun in terminating the services of Shri Pooran Chand Kandwal, Ex-Khalasi w.e.f. 18-10-77 is legal & justified? If not, to what relief the workman is entitled?”

2. Today the case was fixed for workman's affidavit and notice to parties was issued to appear at Lucknow Camp Court. None appeared on either side. The workman

has filed no affidavit in his evidence despite several opportunities. It appears that the workman is not interested in prosecuting the case. Hence no Dispute Award is given.

BADRI NIWAS PANDEY, Presiding Officer

Dated : 11-11-03

नई दिल्ली, 3 दिसम्बर, 2003

का. आ. 3516.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फॉरेस्ट रिसर्च इंस्टिट्यूट एण्ड कॉलेज के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट (संदर्भ संख्या 50/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-12-2003 को प्राप्त हुआ था।

[सं. एल. 42012/94/88-डी-2.(बी)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 3rd December, 2003

S.O. 3516.—In Pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 50/91) of the Central Government Industrial Tribunal/Labour Court New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Forest Research Institute & College and their workman, which was received by the Central Government on 03-12-2003.

[No. L-42012/94/88-D-2 (B)]

B.M. DAVID, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: NEW DELHI

Shri Badri Niwas Pandey, Presiding Officer

I.D. No. 50/1991

Shri Harish Chandra Bahuguna,
R/o Ladpur, Nai Colony, P.O. Raipur, O.F.
Dehradun-248008

...Workman

Versus

The President,
Forest Research Institute & Colleges
P.O. New Forest, Dehradun

...Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/94/88-D-2 (B) dated 24-5-89 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management in of Forest Research Institute, & College Dehradun in

terminating the services of Shri Harish Chandra Bahuguna, S/o Shri S.L. Bahuguna w.e.f. 30-6-87 is legal? If not, to what relief the workman is entitled to?"

2. Notice to workman was issued to appear at Lucknow Camp Court on 10-11-2003 but none appeared on either side and case was adjourned to 11-11-03. On 11-11-2003 also none appeared on either side. On perusal of the file it transpired that the workman is not appearing in this case for the last several dates. It appears that he is not interested in prosecuting this case. Hence No Dispute Award is passed.

BADRI NIWAS PANDEY, Presiding Officer

Dated 11-11-2003

नई दिल्ली, 3 दिसम्बर, 2003

का. आ. 3517.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री डेयरी फॉर्म के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय पुणे के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-12-2003 को प्राप्त हुआ था।

[सं. एल. 14011/15/99-आई.आर. (डीयू.)]

बी०एम० डेविड, अवर सचिव

New Delhi, the 3rd December, 2003

S.O. 3517.—In pursuance of Section 17 of the Industrial Dispute, Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Pune as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Military Dairy Farm and their workman, which was received by the Central Government on 03-12-2003.

[No. L-14011/15/99-IR (DU)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE SHRI P. E. HAVAL, PRESIDING OFFICER-II,
LABOUR COURT, PUNE

Ref. IDA No. 244 of 2000

Military Dairy Farm.

Pimpri, Pune.

... I party

and

Their Workmen

... II party

Appearance : Second party absent.

AWARD (19-7-2000)

This is a reference made by Desk Officer, Ministry of Labour, Govt. of India u/s 10(1) and 2(A) of Industrial Disputes Act, 1947 for adjudication of industrial dispute

between the Officer Incharge, Military Farm,—employer (hereinafter referred to as 1st party) and their workmen (hereinafter referred to as second party) mentioned in the Schedule, which reads as under :—

SCHEDULE

"Whether the action of the management of Military Dairy Farm, Pimpri, Pune in terminating the services of Sh. Rajender Singh Yadav w.e.f. 1-9-98 is legal and justified? If not, to what relief the workman is entitled?"

2. Notices were issued and served on the General Secretary, Military Farm Civilian Workers All India Defence Employees Federation. Thereafter Shri Rajender Singh Yadav appeared and sought adjournments on three occasions and Balu Baburao Tirkhunde appeared for first party. But the second party failed to submit their S.C. till date. Thus it can be seen that sufficient opportunity was given to second party for filing his S.C. but second party had chosen not to file his statement of claim. The second part do not seem to be interested in proceeding with the case. In the circumstances the industrial dispute referred to this court cannot be effectively adjudicated. Therefore the reference is disposed off and is answered in the negative. Hence I proceed to pass following order.

ORDER

1. Reference is disposed off and is answered in the negative.

2. No order as to costs.

Pune,

Dt: 19-7-2003.

P. E. HAVAL, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2003

का. आ. 3518.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै० रिचर्डसन एंड कुड्डास (1972) लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं० 2, मुम्बई के पंचाट संदर्भ संख्या सी जी आई टी-2/132 ऑफ 1999 को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-12-2003 को प्राप्त हुआ था।

[सं. एल. 42012/236/98-आई.आर. (डीयू.)]

बी०एम० डेविड, अवर सचिव

New Delhi, the 3rd December, 2003

S.O. 3518.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/132 of 1999) of the Central Government Industrial

Tribunal-cum-Labour Court, No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management M/s. Richardson & Cruddas (1972) Limited and their workman, which was received by the Central Government on 03-12-2003.

[No. L-42012/236/98-IR (DU)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 MUMBAI

PRESENT:

S. N. SAUNDANKAR, Presiding Officer

Reference No. CGIT-2/132 of 1999

EMPLOYERS IN RELATION TO THE MANAGEMENT
OF M/S. RICHARDSON & CRUDDAS LIMITED

The General Manager (IR),

M/s. Richardson & Cruddas (1972) Limited,

Byculla Iron Works, Byculla,

Mumbai-400 008.

V/s.

Their Workman

The President,

Association of Engineering Workers,

252, Janta Colony,

Ramnarayan Narker Marg, Ghatkopar (East),

Mumbai-400 077.

APPEARANCES:

For the Employer : Mr. S.Z. Chowdhary,
Advocate.

For the Workmen: Mr. V.T. Mirajkar,
Advocate.

Mumbai, dated 3rd October, 2003

AWARD

Part-II

By the Interim Award dated 21-12-2001 this Tribunal held that domestic inquiry conducted against the workman Rai was as per the principles of natural justice and the findings recorded by the Inquiry Officer are not perverse, consequently, point as to whether the punishment of terminating the services of workman is legal and justified in the context of the action of the management Company remains for the consideration of this Tribunal.

2. The punishment of termination was imposed on

the workman for the proved charge of attempt to commit theft of the property of the Company i.e. S.S. Plates on 25-12-1993 thereby committing misconduct under the Service Regulations. According to workman, he being an active unionist to victimise him for an alleged attempt to commit theft of plates he was terminated which punishment is harsh and shockingly disproportionate therefore needs to be reduced. On the other hand, the management Company's case is that the workman was caught red handed jumping over the compound wall of Company from the Shop No. 2 and picking up the plate lying near the cutting machines with intention to commit theft which act was amounting to grave misconduct and for this he does not deserve to remain in service, consequently, punishment as imposed is only apt and adequate considering his past blemished record.

3. In so far as Issues No. 3 & 4 which remained to be adjudicated by this Tribunal as stated above, workman Rai filed affidavit in lieu of Examination in Chief (Exhibit 29) and closed oral evidence vide purshis (Exhibit 30). Management Company filed affidavit of the Officer Mr. Satam (Exhibit 31) and closed evidence vide purshis (Exhibit 32).

4. Workman filed written submissions with copies of rulings Exhibit 34 and the management Company Exhibit 35/36/37. On perusing the record, the written submissions, I record my findings on the issues for the reasons mentioned below:

Issues	Findings
3. Whether the action of the management in terminating the services of the workman Shri K.D. Rai is legal and justified?	Punishment Imposed is disproportionate and hence action is neither legal nor justified.
4. If not, to what relief the workman is entitled to?	As per order below.

REASONS

5. So far power under Section II-A of Industrial Disputes Act is concerned, Their Lordships of Supreme Court in Mithilesh Singh V/s. Union of India & Ors. 2003 SCC L & S 271 observed:

"the scope of interference with punishment awarded by Disciplinary Authority under section II-A of the Industrial Disputes Act is very limited and unless the punishment appears to be shockingly disproportionate, the court cannot interfere with the same."

6. Workman Rai was terminated from the service from 31-10-1994 for the proved charge of attempting to commit theft of the Company's property. According to workman he has been discharged for the said offence by the Metropolitan Magistrate, 27th Court, Mulund, Mumbai

by the Order dated 17-12-1999. He has filed copy of the said Order on record which indicates for want of evidence, the case was closed, and consequently, the workman accused was discharged. In the service matters evidence to be assessed in the context of pre-ponderance of probabilities and not on the ground of benefit of doubt. Since the Inquiry Officer found the workman guilty in the light of the preponderance of probabilities, the only point remains as to whether the punishment imposed is proportionate or not. It is well settled that penalty imposed must be commensurate with the gravity of offence charged and that discretion conferred by Section 11-A of the Industrial Disputes Act on the Tribunal is to be exercised considering the case as a whole. According to the Officer of the Company Mr. Satam, minor punishments were imposed on the workman earlier, however while imposing the punishment of termination his past record was not considered. This clearly indicates that the punishment of termination was imposed on the workman only on the ground that he attempted to commit theft. Their Lordships of the Karnataka High Court in case G. Shashikumar V/s. Management of Indian Telephone Industries Limited and Ors. reported in 1998 LAB IC 3297 found the theft of a small quantity of an old curtain wire and three drill bits the penalty imposed in that case on the workman found too harsh and highly disproportionate. His Lordship of Gujarat High Court in case Atul Products Limited V/s. Anantray H. Desai 1999 LAB I.C. 675 for committing theft of two plastic containers lying as scrap in industry dismissal of the workman concerned from service found disproportionate. In the case in hand, workman had not committed the theft but found attempting to commit theft of plates, therefore, in the light of the decisions referred to above to my view considering the past record, age and service put by the poor workman a Gas Cutter, the punishment of termination imposed on the workman is rather harsh and disproportionate and hence needs to be interfered and that punishment of withholding of two increments in future is apt and proportionate and the same needs to be imposed and from this point of view the action of the management in imposing punishment on workman is neither legal nor justified.

7. According to workman, he had not applied for getting employment elsewhere which indicates he is gainfully employed and from this point of view, he is not entitled to back wages. Issues are answered accordingly and hence the order :

ORDER

The action of the management of M/s. Richardson & Cruddas (1972) Limited, Mulund Works, in terminating the services of the workman K.D. Rai is disproportionate therefore neither legal nor justified and that punishment of stoppage of two increments for the future is apt and proportionate and the same is imposed on the workman.

Management Company is directed to reinstate the workman in service with continuity, however, without back wages.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2003

का. आ. 3519.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या सी जी आई टी-26/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-12-2003 को प्राप्त हुआ था।

[सं. एल. 40012/144/2002-आई.आर. (डीयू)]

बी०एम० डेविड, अवर सचिव

New Delhi, the 3rd December, 2003

S.O. 3519.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-26/2002) of the Central Government Industrial Tribunal/Labour Court Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Post and their workman, which was received by the Central Government on 03-12-2003.

[No. L-40012/144/2002-IR (DU)]

B.M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JAIPUR

Case No. CGIT-26/2002.

Reference No. L-40012/144/2002-IR(DU)
dated 13-9-2002

Sh. Chotey Lal Chhipi,
S/o Sh. Moti Lal Chhipi,
Vill. & PO Wajirpur,
Teh. Gangapur, Swai Madhopur (Raj.) Applicant

Versus

The Supdt. of Post Offices,
Deptt. of Posts,
Swai Madhopur (Rajasthan)-322001 Non-applicant

PARTIES:

Presiding Officer : Sh. R.C. Sharma
For the applicant : Sh. Asgar Khan
For the non-applicants : Sh. Brahmanand Sandhu
Date of award : 08-10-2003

AWARD

The Central Government in exercise of the powers conferred under clause D of Sub-section 1 and Sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (for short 'The Act') has referred the following industrial dispute for adjudication to this Tribunal which runs as under:—

"Whether the Extra Department Mail Career is a workman as per Section 2 (s) of the Industrial Disputes Act, 1947? If yes, whether the action of the management of Postal Department in terminating the services of Sh. Chotey Lal Chhipi is legal and justified? If not, to what relief he is entitled to?"

The workman Shri Chotey Lat Chhipi has claimed that he was employed by the non-applicant as EDMC on 30-8-1991, who continued up to 31-7-1992 without any interruption and had completed more than 240 days in a calendar year, but he was retrenched from service on 1-8-1992 in violation of Section 25-F of the Act and after his termination the fresh appointments were made by the management without providing him any opportunity. He approached to the Central Administrative Tribunal, Jaipur but his case was rejected by its order dated 24-11-2000. Aggrieved by it, he filed a writ petition before the Hon. High Court and the Hon. Court vide its order dated 17-1-2001 directed him to raise the dispute before the proper forum. The workman has prayed for his reinstatement in the service with all the consequential benefits.

The non-applicants in their written statement have averred inter-alia that the applicant is not a workman under the provisions of the Act and that he was engaged as EDMC in stop-gap arrangement on the risk and responsibility of the regular incumbent who proceeded on leave, that the workman worked as his substitute from 30-8-1991 to 7-11-1991 and thereafter up to 31-7-1992 and the arrangement was terminated on the regular appointment of EDMC in the office. It is also stated that the Postal Department does not fall within the definition of industry.

In the rejoinder the workman has reiterated the facts as stated in the claim statement.

On pleadings the following points for determination were framed:

1. Whether the workman was appointed by the non-applicant management to the post of EDMC on 30-8-1991, who continuously worked up to 31-7-1992 and whose service was terminated in violation of the provisions under Section 25-F of the ID Act? BOA

2. Whether the non-applicant management after the termination of the service of the workman has made fresh appointments of the employees in violation of the provision under Section 25-H of the ID Act? BOA

3. Whether the Postal Department does not fall within the definition of the "Industry" under the provision of the ID Act? BONA

4. Whether the applicant-workman is not covered within the definition of the "Workman" under the provision of the Act? BONA

5. Relief, if any.

At the stage of filing the documents by both the parties and leading the evidence, both the parties remained absent.

It appears that the workman is not interested to further contest his claim.

Therefore, a no dispute award is passed.

Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2003

का. आ. 3520.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या सी जी आई टी-47/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-12-2003 को प्राप्त हुआ था।

[सं. एल. 40012/114/2001-आई.आर. (डीयू)]

बी० एम० डेविड, अवर सचिव

New Delhi, the 3rd December, 2003

S.O. 3520.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award (Ref. No. CGIT-47/2001) of the Central Government Industrial Tribunal/Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 3-12-2003.

[No. L-40012/114/2001-IR(DU)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR-COURT, JAIPUR

Case No. CGIT- 47/2001

Reference No. L-40012/114/2001/IR(DU) Dated 11-7-2001
Vimal Chand S/o Shri Chothmal,
R/o I. H. S. Colony, House No. 143,
Bajaria, Sawai Madhopur, Rajasthan.

.....Applicant.

Versus

Telecom District Manager,
Telecommunication Department
Sawai Madhopur, Rajasthan.

.....Non-applicant

PRESENT:

Presiding Officer : Sh. R.C. Sharma.
For the applicant : Sh. Suresh Kashyap
For the non-applicant : Sh. Brahmanand Sandhu
Date of Award : 16-9-2003

AWARD

(1) The Central Government under clause D of Sub-sections (1) & 2(A) of Section -10 of the Industrial Disputes Act, 1947 (for short, the Act) has referred the following Industrial Dispute for adjudication to this tribunal, which runs as under :—

“Whether the action of the management of Telecom Deptt. Sawai Madhopur in terminating the services of Sh. Vimal Chand S/o Sh. Chothmal as part time employee from 01-10-2000 is legal and justified? If yet, to what relief the claimant is entitled and from which date?”

(2) The workman in his statement of claim has pleaded that he was employed by the non-applicant management as a part time employee in August, 1989 where he continuously worked up to 30-9-2000. But his service was terminated w.e.f. 1-10-2000 without giving him any legal notice or retrenchment compensation. He has further pleaded that he has worked over 240 days in a year and in terminating his service, the non-applicant management has violated the provisions u/s 25 F, 25 G. and Rule 77 of the Act. He raised an Industrial Dispute before the Conciliation Officer on 13-10-2000, who subsequently submitted a failure report on 28-3-2001 to the Central Government. He has prayed for his reinstatement with the full back-wages.

(3) Resisting the claim the non-applicant, in turn, has averred that the workman was not appointed as a part time employee by the management, that no appointment letter was issued to him, that he was employed as casual worker to perform only one or two hours a day and he had not deliberately turned up to his duties. The non-applicant has also added that after the expiry of the period of about 14 years since his termination. He has raised this dispute without explaining any ground thereof.

(4) On pleadings the following points for determination were framed :—

विवाद-बिन्दु :—

1. क्या प्रार्थी श्रमिक की विपक्षी संस्थान द्वारा अंशकालीन कर्मचारी के रूप में अगस्त, 1989 में नियुक्ति की गई तथा क्या श्रमिक ने नियुक्ति की दिनांक से दिनांक 30-9-2000 तक कार्य किया ?

2. क्या प्रार्थी श्रमिक की नियुक्ति निरस्त करने का आदेश दिनांक 1-10-2000 धारा 25 एफ, जी और नियम-77 औद्योगिक विवाद अधिनियम का उल्लंघन कर जारी किया गया ?

3. क्या प्रार्थी श्रमिक सेवा में पुनः बहाल होने व अन्य संदर्भित लाभ प्राप्त करने का अधिकारी है ?

(5) In the evidence, the workman has submitted his affidavit and the counter affidavit of Shri R.B. Koli, S.D. O. has been filed on behalf of the non-applicant.

(6) The workman has brought on the record Ex-W-1, the failure report dt. 28-3-2001, whereas the non-applicant has chosen not to file any document.

(7) I have heard both the parties and have gone through the record.

(8) The point-wise discussion follows as under :

Points No. 1 and 2 :

(9) Since the facts involved in both these points are identical these are discussed together.

(10) The learned representative for the workman contends that the workman was employed as a part time employee w.e.f. August 1989, who worked up to 30-9-2000 and on 1-10-2000 his service was terminated. He further contends that the non-applicant in his written statement has stated that the workman was working from 1995 and that even if it is assumed that the workman started working with the management from 1995, he has worked for five years up to the date of his termination and has completed more than 240 days.

(11) The learned representative for the workman has next contended that prior to termination no seniority list of the employees under Rule 77 of the Act was prepared by the management and the workman was terminated without following the provision u/s 25-F of the Act, which amounts to retrenchment. In support of his contention he has placed his reliance on 1999 II LLN Rajasthan 1011.

(12) On the other hand the learned representative has urged that the workman has not completed 240 days in the calendar year and no documentary proof of his appointment has been produced. The learned representative has also controverted the submission on behalf of the workman that the termination of a part time employee may amount to retrenchment and has contended that the workman had only worked for one or two hours a day.

(13) I have given my thoughtful consideration to the rival contentions.

(14) So far as the employment of the workman is concerned, it has been pleaded on behalf of the workman that he had worked with the non-applicant management w.e.f. August 1989 to 30-9-2000. In the written statement as well as in the affidavit of MW-1 Shri R. B. Koli it has been shown that the workman had started his work of cleaning the premises from the year 1995 and the plea of the workman

that he had worked up to 30-9-2000 could not be specifically denied by the non-applicant. Thus, the facts emerging out of the record show that the workman had been employed/engaged by the non-applicant management from the year 1995 who continued in the employment up to 30-9-2000.

(15) Now, the crucial point which crops-up is whether the workman during the aforesaid period had performed the same type of work which is being carried out by a regular employee.

(16) The workman in his affidavit has disclosed that the work performed by him was that of a permanent nature and in the cross-examination he has stated that he worked from 7 am to 2 pm. As against it, M-W-1 R. B. Koli has averred in his affidavit that the workman had only worked for one or two hours a day and in his cross-examination he has reiterated the same fact.

(17) It is a case of the claimant that he had so worked and his claim was denied by the management. It then becomes a duty of the claimant to lead evidence to establish that he had performed the work similar to that of a regular employee. But he has simply filed an affidavit containing his own statement in his favour, which cannot be regarded as sufficient evidence to reach at a conclusion that the work performed by the claimant was similar to that of a regular employee. Apart it, in Ex-W-1, the failure report, which has been placed on record on behalf of the workman, it has been recorded by the Reconciliation Officer that the workman has stated that "he was employed as a part time employee by the Junior Telecom Officer, under District Telecom Manager, Sawai Madhopur from August, 1989 and he used to work two hours in a day". This plea adopted by the workman before the Conciliation Officer falsify his version deposed before this Tribunal that his work was of permanent nature, viz. he discharged the same type of work as performed by a regular employee. Thus, his deposition is contradictory in itself which becomes unreliable.

(18) The learned representative for the workman in support of his contention has referred to 1989 II LLN Rajasthan 1011 wherein the Hon'ble court has observed as under :—

"In the instant case, no doubt the petitioner was appointed as a part time employee. He is a workman as defined in the Act. The termination of his service amounts to retrenchment and the retrenchment was made in violation of the provisions of S.25F of the Act. He is, therefore, entitled to reinstatement."

(19) But the aforesaid view couldn't be upheld by the Hon'ble Supreme Court in J.T. 1997 (4) SC 560 wherein the Hon'ble Court on considering the issue of the part time worker has expressed its views as below:

"Admittedly, they were not appointed to the posts in accordance with the rules but were engaged on the basis on need of the work. They are temporary

employees working on daily wages. Under these circumstances, their disengagement from service cannot be construed to be a retrenchment under the Industrial Disputes Act. The concept of "retrenchment", therefore, cannot be stretched to such an extent as to cover these employees."

(20) On a careful scrutiny of the evidence available on the record and in view of the judicial pronouncement by the Hon'ble Apex Court supra, the workman could not be able to establish that he was employed by the management to perform the work which was of the perennial nature as that of the regular employee and on facts it is established that during this period of engagement he worked as casual worker who performed the cleaning work for one or two hours a day. Thus, his disengagement by the management doesn't amount to retrenchment.

(21) I, now, switch on the next point pertaining to the retention of the junior employees to the workman on his termination.

(22) Admittedly, in the claim statement no names of the junior employees have been assigned on behalf of the workman. It is merely stated therein that the management has violated the provision u/s 25 G of the Act. It has been denied on behalf of the management. In addition to it, even in his affidavit the workman has not pointed out any such names. It is only in his cross-examination when in reply to the question put up by the representative for the non-applicant, he has indicated that a junior woman employee is still working with the management of whose name he has pleaded ignorance. Thus the plea of the retention of junior employee adopted by the workman is ambiguous and the testimony of the workman adduced on the point is completely vague and he has utterly failed to prove that at the time of his termination the junior employees to him were retained by the management.

(23) Accordingly both these points are decided against the workman.

Point No. 3

(24) For the reasons stated under points nos. 1 & 2 the workman could not be able to establish his claim and, therefore, he is not entitled for reinstatement in the service with the management.

(25) Consequently, the reference is answered in the negative against the workman and it is held that the action of the non-applicant management in terminating the service of the workman as part time employee w.e.f. 1-10-2000 is legal & justified. The Award is accordingly passed in these terms.

(26) Let a copy of Award may be sent to the Central Government for publication u/s 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2003

का. आ. 3521.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेशन कमांडर, बरेली कैंट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट (सदर्थ संख्या 1/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-2003 को प्राप्त हुआ था।

[सं. एल-14012/58/2001-आई. आर. (डीयू)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 3rd December, 2003

S.O. 3521.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 1/2002) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Station Commander, Bareilly Cantt. and their workman, which was received by the Central Government on 3-12-2003.

[No. L-14012/58/2001-IR(DU)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, LUCKNOW

PRESENT:

Shrikant Shukla,
Presiding Officer

I.D. No. 1/2002

Ref. No. L-14012/58/2001/IR(DU) dated 3-1-2002

BETWEEN

Basant Kumar S/o Ram Bharosey Lal'
Vill. Nakatia Post, 8 Bn PAC,
Bareilly (U.P.) 243001

AND

1. The Station Commander
Station HQ, U.P. Area, Bareilly Cantt.
Bareilly (U.P.) 243001
2. The General Office Commanding
U.P. Area HQ, Bareilly Cantt.
Bareilly (U.P.) 243001

AWARD

The Government of India, Ministry of Labour vide their order No. L-14012/58/2001/IR(DU) dated 3-1-2002 has referred the following issue for adjudication to this Tribunal:

"Whether the Action of Station Commander, Ministry of Defence, Bareilly in Terminating the services of

Shri Basant Kumar w.e.f. 1-4-1999 is justified? If not, for what relief he is entitled to?"

Basant Kumar has filled statement of claim with the request that opposite party General Office Commanding U.P. Area HQ, Bareilly Cantt. Bareilly be directed to reinstate Basant Kumar with continuity in service with full back wages of skill grade amenities and facilities along with cost of the case. Worker's case is that he was in employment of Officers mess HQ area Bareilly, U.P. as Cook since September, 1989 and continuously worked for about 10 years. The opposite party employers used to break service of the workman from time to time with a view so that the workman cannot claim permanency although the work of mess. The Nature of the job is permanent nature and lasting throughout the year. The employer used to engage new hands.

The opposite party has filled written statement with the allegations that if it is wrong to suggest on the part of the worker that he has continuously worked since September, 1999. It has been submitted by the opposite party that the Basant Kumar worked in the Officers mess. w.e.f. September, 1989 to 1991 as Waiter and Since May, 1993 to July, 1997 as Masalachi and Since November, 1998 to March, 1999 as Cook. The opposite party also pleaded that during the intervening period the workman was not employed in the mess in any capacity or manner. While the workman was working as Cook he was paid Rs. 2000/- p.m. w.e.f. December, 1998 which is not below amount as prescribed under the Minimum Wages Act. The opposite party has denied that the workman's engagement was discontinued with intention to avoid the continuity of service. In additional plea the opposite party has alleged that the officers mess of H.Q. U.P. Area, Bareilly Cantt., Bareilly is part and parcel of the army and located in peace area. The said officers mess does not carry any business/hotel or business/hotel like activities, as it does not come under the purview of the industry as defined in the Industrial Dispute Act. The mess is not a profit earning organisation nor employing any person permanently for such purpose and therefore the workman's statement claim is not maintainable under the provisions of I.D. Act. The officers mess hires civilians only as private servants as on required basis only to provide services to officers who are members of the mess in the form of supplying/serving food/meals to them. In the circumstances above said officers mess is not covered under the definition of Industry Act as provided under the Industrial Dispute Act. Army units are dealing with sovereign functions of the state. It is also alleged that the worker has not worked or was employed after the month June, 1997 upto the October, 1998 and therefore, there is no cause of action of the opposite party. It is also alleged that Station Commander, Station HQ, U.P. Area, Bareilly Cantt., Bareilly and General Office Commanding, U.P. Area HQ, Bareilly Cantt., Bareilly (U.P.) have been wrongly impleaded in the statement of claim. The statement of claim is alleged that it is bad for non impleadment of Union of India and

Secretary of the officers mess. Officers mess, Bareilly hire services of civilians as private servants on required basis to provide services to the officers, who are members of the mess for supplying/serving food/meals etc. to the officers/members. No fund or grant of any type of payment of wages for such servants for hiring their services is provided from any government. All the payments are made to such servants from the subscriptions contributed by the officers. It has been alleged that the present case is not maintainable under the I.D. Act, and is liable to be rejected.

The worker has not submitted in his statement of claim that he was terminated from services on 1-4-1999.

The worker has alleged that he has been working since September, 1989 as Cook. Subsequently during the proceeding on 8-5-2003 the worker moved an application A1-23 together with affidavit A1-24. The worker alleged in the application that he has obtain the services as Cook in the adhoc capacity and therefore he wants to withdraw his statement of claim against the opposite party. Subsequently he moved another application D-25 seeking time to file compromise which was allowed. But thereafter the opposite party or his representative stopped to come in the court on 25-8-2003, 27-8-2003, 2-9-2003, 12-9-2003, therefore summon were again issued fixing 26-9-2003 for hearing but the parties absented on 26-9-2003 also. Therefore the next date was fixed 22-10-2003. The opposite party remained absent. On 22-10-2003 the court enquired from the worker as to whether he was terminated on 1-4-1999 as issue has been referred for adjudication whether the termination was illegal. The worker replied that he received the salary of April, 1999 for 12 days further he state that he did not work in April, 1999 but subsequently he said that he received the salary of April, 1999 in May, 1999. The worker was asked whether he started working as Cook since September, 1989, the worker replied that he started his services since October, 1998 and not September, 1989 and since December, 1st he is working in Signal Regiment of said mess. It is thus proved that the worker Basant Kumar did not work as Cook since September, 1989 as alleged by him. He himself states on oath that he started working since October, 1998. In case he started working as Cook since October, 1998 and he was terminated on 1-4-1999 then in that case it can not be said that the worker as a Cook for one calendar year. At the most the worker has worked as Cook only for six months. Therefore he can not claim to have been retrenched within the meaning of I.D. Act as he has not completed 240 days working in a calendar year preceding the date of his termination. In the circumstances he is not entitled to any retrenchment compensation or notice in lieu there of, and he is not entitled to any relief from the CGIT-cum-Labour Court, Lucknow. However, worker has been retained by the opposite party as per the application of the worker himself that he has been retained as temporarily cook since December 1. He has therefore requested for the withdrawal of the case.

It is note worthy here that while the case was fixed for cross examination of Lt. Col. Jayant Kumar who filed the affidavit paper no. 21 on behalf of the opposite party, the worker moved an application seeking withdrawal of the case. Worker has no courage to cross examine the witness of the opposite party.

Lt. Col. Jayant Kumar alleged in his affidavit that Basant Kumar did not work continuously. Lt. Col. Jayant Kumar has also denied the nature of job as industrial work and has also stated that the mess is run by the contribution made by the officers attached to the mess. Whenever the mess is not used by the officer of the army it remains closed and the services of such employees come to an end and they are not paid wages for the periods mess is closed. It is also alleged that the mess is run no profit and no loss basis and in the circumstances the mess is not covered under industries nor I.D. Act is applicable on the working of the mess.

Since the worker himself has not proved that he continuously worked as Cook for one calendar year. Since the alleged date of his termination or dis-engagement from mess is not illegal or unjustified. The issue is answered in affirmative.

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 3 दिसम्बर, 2003

का. आ. 3522.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 140/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2003 को प्राप्त हुआ था।

[सं. एल-12011/79/2001-आई. आर. (बी-II)]

सी. गंगाधरण, अवसर सचिव

New Delhi, the 3rd December, 2003

S.O. 3522.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award (Ref. No. 140/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial Dispute between the management of Dena Bank and their workman, received by the Central Government on 28-12-2003.

[No. L-12011/79/2001-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT:

SHRIKANT SHUKLA, Presiding Officer

I. D. No : 140/2001

Ref. No: L-12011/79/2001-IR (B-II) dated: 30-8-2001

BETWEEN:

The General Secretary, Staff Association Dena Bank
Office of General Secy. C/o Dena Bank, Moradabad
(U.P.)-244001.

(In the matter of Chappan Lal)

AND

The Regional Manager, Dena Bank,
28-A, Praveen House, Vidhan Sabha Marg,
Lucknow-226001.

AWARD

The Government of India, Ministry of Labour vide their order No. L-12011/79/2001-IR (B-II) dated: 30-8-2001 referred following issue to this Tribunal for adjudication :

“Whether the action of Assistant General Manager, Dena Bank, Lucknow in appointing Shri Chappan Lal, as a Part-time safaiwala and posting him at Mathura Branch, allegedly from the post of full-time sub-staff at Lodha Branch is legal and justified? If not, what relief the concerned workman is entitled to?”

The General Secretary of Staff Association Dena Bank, Shri Nem Singh has filed the statement of claim alleging therein that the workman, Chappan Lal was appointed in April 1990 as a Part time sub-staff/Badli sepyo in place of permanent workman as and when vacancy was arisen in the branch office, Lodha (Aligarh) vide order dated 31-3-90 by the Regional Manager/Regional Authority, Dena Bank. The workman was allowed to work as a full-time sub-staff in the branch office Lodha (Aligarh) on 1-4-95 against the permanent vacancy fallen vacant in place of one Sh. Babu Lal, permanent sub-staff of the branch. According to the General Secretary the full salary was not paid to the workman in terms of the Bi-partite Settlement. The scale of the sub-staff cadre of initial stage was paid to him per week showing artificial gaps which much lower than the wages payable in terms of the Bi-partite Settlement and that no other benefits such as, medical Aid, L.F.C., Leave Encashment, Leave, Bonus, Livery, Annual increments, etc. were allowed to the workman. When the workman made a request through the Branch Manager for issuance of letter of appointment specifying terms and conditions of service and allowing him due wages and all other benefits as applicable in terms of the Bi-partite Settlement and other conditions of service of a full time sub-staff under the bank, the Bank did not accede the demand of the workman and in most arbitrary manner, shifted/removed the workman from Lodha (Aligarh) to Mathura as part-time sub-staff on 1/3rd pay scale vide order dated 24-11-1997. By doing so the Bank violated the provisions of the Bi-partite Settlement and his previous work was ignored knowingly. In the lieu of the work and

status of a whole time sub-staff gained in Lodha (Aligarh) branch of the Bank, the workman has developed his right claim and vested interest upon the permanent vacancy of a full-time sub-staff in Lodha (Aligarh) branch. It has therefore, been prayed that the order of reference be answered in favour of the workman, quashing/amending the order dated 24-11-1997 of 1/3rd pay scale of part-time sub-staff at Mathura into full-time sub-staff at Lodha (Aligarh) with full back wages and all other benefits of active service and suitable cost and other relief be granted to the workman as deemed fit.

The opposite party has filed written statement and has denied the allegation of the General Secretary, Staff Association Dena Bank. It has been stated in the written statement that allegations are false and fabricated. It is specifically denied that the workman, Chappan Lal was appointed as permanent part time sub-staff in April, 1990. The appointment letter was never issued by the appropriate authority. It has also been stated that the workman was never recruited/appointed in Bank's service in subordinate cadre. For the appointment in subordinate cadre certain prescribed guidelines/formalities are required to be followed by the Bank and incumbent. It is itself evident from the averment of the workman that no letter was issued by the Bank. It is assailed that unless and until, Bank/Government guidelines and other formalities are completed, no appointment letter can be issued. Neither the terms of Bipartite Settlement are applicable in the case of the workman nor he was entitled to benefits as claimed for by him. The Branch Manager, Lodha did not make any recommendation to the workman for absorption in permanent employment. The conditions of being permanent is that the incumbent is required to adhere to the formalities/guidelines of the Bank and the Government, which he is lacking. The Branch Manager has no authority to issue appointment letter. When vacancy arises, all approved vacancies of Budlee/Temporary/Part Time/Full Time Subordinate are to be notified to the concerned district/Local Employment Exchange of the area. The Employment Exchange provides a list of candidates who fulfil the recruitment norms as per the indent of the Bank. On the basis of the performance of the candidate in the interview, a merit list/panel is prepared. As and when vacancies are sanctioned/approved by our Head Office, candidates from the approved panel are absorbed against such vacancies after fulfilling the recruitment norms. While doing so, the provisions of the Bi-partite settlement with regards to considering Part time on scale wages to full time sub-ordinate are also adhered to. As per the memorandum of settlement under section 2 (p) of the Industrial Dispute Act, 1947 RW Rule 58 of I.D. (Central) Rules 1957 here under arrived at between Dena Bank and the All India Dena Bank Employee Co-ordination Committee dated 5-2-1996 regarding norms for posting of subordinate staff, para 1 & 2 are as under :

- (i) As and when a vacancy in full time subordinate cadre is identified/sanctioned by Head Office in a Branch/Office, the vacancy will be notified and application will be invited from the eligible part time employees drawing scale wages in the region/state whichever is smaller and the vacancy will be filled up by posting the senior most applicant taking the seniority on the basis of date of joining in the Bank services, irrespective of scale wages he/she will be drawing at the time of filling up the vacancy.
- (ii) However, to fill up the backlog vacancy in reserved category, application will be invited from the eligible part time employee of respective category within the Region/state which ever is smaller and the full time vacancy will be filled in by posting the senior most part time employee amongst the applicants taking the seniority on the basis of the date of joining the services of the Bank irrespective of scale wages, he/she will be drawing at the time of filling up the said vacancy. The resultant vacancy in the part time will be filled in by conversion and or direct recruitment as the case may be in the respective category.

It is submitted that in the year 1997, the Dy. General Manager, Dena Bank, Head Office Mumbai vide his letter dated 3-4-1997 conveyed approval of one (SC) scheduled caste vacancy of full time sub-ordinate for filling up the backlog and advised to fill up the vacancy at Lodha Branch. They have also advised to fill up the vacancy as per the guidelines given in clause (2), (3) of the settlement dated 5-12-1996 by offering he full time sub-staff post to existing part time cleaner. The resultant vacancy in the part time sub-staff in scale wages will be filled in by conversion and or direct recruitment as the case may be in the respective category. The Bank had a settlement dated 25-9-1992 and 5-12-1996 for filling up the vacancies of subordinate staff.

Accordingly, the vacancy of subordinate at Lodha Branch was notified as per the para 2 of the settlement dated 5-12-1996 and applications were invited from the eligible part time cleaner belonging to scheduled caste category and the resultant vacancy of part time cleaner at Mathrua Branch was filled up by direct recruitment from the Bank's approved panel. At the time of recruitment the name of Shri Chappan Lal was on the Bank's approved panel under scheduled caste category prepared from the candidates sponsored by the employment exchange for absorption against future vacancies. He was offered the post of PTC on 1/3rd scale wages at Mathrua Branch & had accepted the offer of part time cleaner (PTC) at Mathrua Branch. He was appointed/recruited part time cleaner on scale wages on completion of per-recruitment formalities and medical check up. He joined the Bank services as part time cleaner on 5-12-1997 and accepted the terms and

conditions of the appointment as stipulated in the memorandum No. LRO/PER/1509/97 dated 24-11-1997.

The workman was recruited/appointed vide memorandum No. Laksheka/Karmik/1509/97 dated 24-11-97, the terms and conditions of Bipartite settlement applicable to him after his joining the Bank i.e. from 5-12-1997 and not earlier what so ever.

The parties contested the case and they filed evidence and they cross-examined on their affidavits.

Chappan Lal in his cross-examination has stated that in Lodha branch of Aligarh another safaiwala was working & now he has retired; and at the time he was transferred he was working at Lodha Branch. He states that there was only one post on which Babu Lal was working and whenever he used to proceed on leave Chappan Lal used to work on his place. In the circumstances it is clear that Chappan Lal was not appointed in April, 1990 against the permanent vacancy as alleged by the General Secretary, of Staff Association. It is also clear that whenever Babu Lal used to go on leave, he used to work, meaning thereby he was not regular employee of Dena Bank. Shri R.D. Negi who has filed affidavit on behalf of opposite party has stated on oath in cross-examination that the workman, Chappan Lal was not regular employee in the Lodha Branch and whenever the necessity arose he, Chappan Lal used to be engaged.

During the course of proceedings Chappan Lal moved an application that he has withdrawn the case from CGIT-cum-Labour Court, Lucknow vide application dated 8-10-2003. He has requested that the Court should consider the application. The application referred is paper No. C-34/2. Along with the application he has filed photo copy of application referred above, paper No. C-34/3 & 34/4. In the application he mentioned that he has worked as casual labour at Dena Bank, Lodha Branch from 1990 and was given appointment letter dated 24.11.1997, appointing him as part time cleaner (PTC) at Mathrua Branch. He has also stated in application that dispute was raised for his working at Lodha Branch where he had worked without any appointment letter as casual worker. The worker has stated that the Bank is now in the process of converting PTC's to full time sub-staff as per Bank's rule as such he feels his appointment should be in accordance with the Bank's rule and regulation and he want to take this opportunity of conversion from PTC to full time sub-staff as per Bank guidelines and therefore, he withdraws the case. In the interest of justice the statement of Chappan Lal was recorded on 22-10-2003 wherein he has stated that he has settled his claim outside the court and he does not want to contest this case. He has also stated that he was getting 1/3rd of salary as a part time safaiwala and after the settlement he will get full time salary and he is working at Mathrua Branch of Dena Bank with his consent and prior to it he was at Lodha Branch. He has further stated that in

Lodha Branch he was not a regular employee but after settlement he will become a regular employee.

To safeguard the interest of the workman, the employer was summoned and on 29-10-2003 in Lok Adalat the compromise, C-37 was filed duly signed by Regional Manager, Dena Bank and the workman, Chappan Lal. In the compromise letter it is written that the workman has been appointed/recruited as permanent part time cleaner on 1/3 scale wages since 5-12-1997 as per Bank memorandum No. LAKSHEKA/KARMIK/1509/97 dated 24-9-97 and paid salary to him. As the result of compromise, the Bank will give all benefits such as conversion from part time cleaner to full time subordinate as per Bank rules and settlement dated 5-12-1996. The Regional Manager has also written in the compromise that he shall also get all benefits which is available to the subordinates as per Bank's rules.

The workman on the other hand has stated that he will not claim any back wages and not raise any dispute hereafter on the same issue. The parties have requested the disposal of dispute in terms of the compromise, C-37.

Since it is in the interest of the workman which is supreme and he has compromised in the Lok Adalat and therefore from the aforesaid discussions it is made out that Chappan Lal was not a regular employee at Lodha Branch. However, he joined Mathura Branch of his own accord.

The compromise, C-37 is clearly beneficial to the workman as the employer has undertaken to give all benefits such as part time cleaner to full time cleaner, subordinate staff as per Bank's rule and the settlement dated 5-12-1996. The opposite party Bank has also undertaken to give all benefits, which is available to the subordinates as per Bank's rules. The Bank has also undertaken that it will give all benefits such as conversion from part time cleaner to full time subordinate. In the circumstances the compromise C-37 disposes the entire issue referred to the Tribunal for adjudication. The issue is therefore, decided and the compromise dated 29-10-2003 is made part of the award.

Lucknow 29-10-2003

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2003

का. आ. 3523.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 70/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-12-2003 को प्राप्त हुआ था।

[सं. एल-12025/1/2003-आई. आर.(बी. II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 4th December, 2003

S.O. 3523.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central

Government hereby publishes the award (Ref. No. 70/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 03-12-03.

[No. L-12025/1/2003-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

SHRI E. ISMAIL, B.Sc; L.L.B, Presiding Officer

Dated the 10th day of November, 2003

Industrial Dispute L.C.I.D. No. 70/2002

BETWEEN

Sri R. Prakash Rao,

S/o R. Satyanarayana Rao,

R/o H. No. 1-45, Prabhat Nagar,

Chaitanyapuri, Dilshukhnagar,

Hyderabad-60

.....Petitioner.

AND

1. The Assistant General Manager,
Syndicate Bank,
Zonal Office, 6-3-653,
Pioneer House, Somajiguda,
Hyderabad.

2. The Branch Manager,
Syndicate Bank,

New Nallkunta, Hyderabad.Respondents

APPEARANCES :

For the Petitioner : M/s. A. K. Jayaprakash Rao,
Ch.Indrasena Reddy, K. Srinivas
Rao,
P. Sudha, T. Bal Reddy & M.
Govind, Advocates

For the Respondent : M/s. A. Krishnam Raju, G. Dinesh
Kumar, G.V.N. Babu, N. P. Rao &
T.P. Rao, Advocates.

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as mentioned in the petition are : That the petitioner was appointed as Pigmy Deposit Collector with effect from 8-8-1980. Appointment letter was issued dated 7-8-1980 and he worked continuously till March, 1995 and he suffered with Arthritis, back ache,

Bronchitis, Jaundice, Liver Enlargement. That he sent intimation about his sickness and handed over Pigmy Deposit Cards. When he went for duty on 23-4-1997 he was not allowed to join. Therefore, he sent representation through RPAD on 16-3-2001. The management sent a reply on 31-12-2001 informing the petitioner that his agency was terminated on 15-6-1995, without conducting any enquiry. Having alleged that the petitioner was unauthorisedly absent is wrong. Hence, he may be reinstated with back wages.

3. A counter was filed stating that the petitioner is a Pigmy Deposit Collector. No doubt, the Central Government Industrial Tribunal-cum-Labour Court gave an award holding that they are workmen but only for limited purpose. That the termination of the agency would not amount to retrenchment. He absented himself for two years. Hence, he was dismissed. He has no right to claim reinstatement. Therefore, the petition may be dismissed.

4. The petitioner examined himself as WW1. He deposed that he was appointed on 7-8-80 and joined on 8-8-80. He worked till March, 1995. He fell sick for two years and finally reported on 23-4-1997. But he was not reinstated. Identity card is Ex. W1. Ex W2 is a letter dated 23-2-2000 informing him about the balance of security deposit. Ex. W3 is the notice dated 16-8-99 informing him that his agency was cancelled in 1995. Ex. W8 is a letter dated 8-1-86 addressed to the editor to publish his achievements. Ex W9 is the Xerox copy of the performer page 4, his name is at serial No. 3. Ex W10 shows that he was receiving 2000 as commission. In the cross examination he deposed that he was at Jaya Nursing Home. He was inpatient for five months. His wife was informing the Bank orally.

5. MW1 Sri K.P. Dinesh Kumar deposed that the Pigmy Deposit Collectors are agents. Ex.M2 is the agreement entered between bank and the Pigmy Deposit Agent. In the cross examination he said that he does not know Ex.M9 termination notice was received by the Petitioner. He does not know whether the Petitioner has produced medical certificates of his treatment. His services during the period were appreciated by the Respondent bank, but MW1 do not know the same. That the agency of the Petitioner was terminated for his unauthorized absence.

6. Management examined Sri K. Ramachandra Raju, as MW2. He deposed that he is working as Branch Manager, Ramakrishna Math branch, Hyderabad. He worked in New Nallkunta branch of the Respondent bank during September, 1993 - June, 1995. He deposed that he knows the Petitioner. He came to know about the termination of the Petitioner only by-display in the notice board. In the cross examination he deposed that he do not know whether the bank has issued any chargesheet to the Petitioner. He do not know the service particulars of the Petitioner.

7. It is argued by the Learned Counsel for the Petitioner that as per the Judgement of the Hon'ble High Court of Madras Division Bench held that, "Tiny deposit collectors are workmen as defined in the Act because bank has control over work of such deposit collectors-Tiny deposit collectors are not independent contractors - When once a deposit collector satisfies the definition of workman it is not open to the bank to rely on Banking Regulation Act and contend that such person is independent contractor". He also relied on 2001(1)LLJ page 219 a Judgement of the Hon'ble Supreme Court wherein the Syndicate Bank is the Respondent. Wherein their Lordship held that "Industrial Disputes Act, 1947-sections 2(rr) and 2(s) Deposit Collectors of Banks "Workmen" and Commission received by them, nothing else but wage-Master and Servant relation existed between deposit collectors and concerned bank". Their Lordships further held that, "Undoubtedly the commission received by the deposit collectors was nothing else but wage. Master and servant relation existed between deposit collectors and concerned bank". Their Lordships further held, "Undoubtedly the deposit collectors are not regular employees of the bank but they nevertheless are workers within the meaning of the term as defined in the Industrial Disputes Act. There is clearly a relationship of master and servant between the deposit collectors and the concerned bank". He therefore submits that once they are workmen, regular charge should have been framed and enquiry should have been conducted. No enquiry has been conducted. Hence, he is entitled for reinstatement with back wages.

8. The Learned Counsel for the Respondent argues that in a similar case, the Central Govt. Industrial Tribunal cum Labour Court at Chennai held in ID No. 611/2001, wherein the Presiding Officer has dismissed the case of one Pigmy Deposit Collector who had entered into an agreement and at para 6 it was mentioned, "So he held that he is not entitled for any relief. However, even in the Supreme Court Judgement cited by the Learned Counsel for the Petitioner their Lordships held that the Pigmy Deposit Collectors are not on par with regular employees. Therefore, no question of enquiry is necessary. Hence, the petition may be dismissed.

9. It may be seen that the Petitioner of the Judgement of the Hon'ble Supreme Court cited above 2001(1)LLJ that deposit collectors of banks are workmen and commissions received by them is nothing but wage. Master and servant relationship existed between deposit collectors and concerned bank obviously once he is a workman, as stated by the Hon'ble Supreme Court then he is entitled for all the protection. According to MW1 the Petitioner was dismissed on 12/15-6-1995 vide Ex. M9 terminating his agency and even in the claim petition it is mentioned that without issuing any chargesheet without conducting any enquiry and the order of termination is in violation of principles of natural justice. In the Judgement before me

Learned Brother of the Central Govt. Industrial Tribunal cum Labour Court, Chennai, no such plea that terminating the Petitioner's agency without conducting an enquiry is wrong is taken but here such plea is taken and the principles of natural justice demand that he should have been provided with a chance. Hence, the order of termination dated 12/15-6-1995 is hereby set aside and the Petitioner is directed to be taken back as Pigmy Deposit Collector on or before 1st January, 2004 failing which he will be entitled to the commission he drew for the month of April, 1994 every month from January, 2004.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 10th day of November, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1: Sri R. Prakash Rao	MW1: Sri K.P. Dinesh Kumar
	MW2: Sri K. Ramachandra Raju

Documents marked for the Petitioner

- Ex W1 : Copy of identity card
- Ex W2 : Copy of Ir. No. 240/3013:GEN:2000 dt. 22-3-2000
- Ex W3 : Copy of Ir. No. 599/3013:GEN:99 dt. 16-8-99
- Ex W4 : Copy of Ir. No. 1090/3013:GEN:99 dt. 9-12-99
- Ex W5 : Copy of Ir. dt. 31-12-2001 reply to WW1's representation
- Ex W6 : Copy of Ir. dt. 24-2-99 withdrawal of complaint by Bhavani bookstall
- Ex W7 : Copy of Ir. dt. 4-6-97 refusing representation of WW1
- Ex W7 : Copy of appreciation Ir. No. 1010/3038:HCD dt. 9-6-97
- Ex W8 : Copy of Ir. No. 1021/351/252/3013/DO dt. 8-11-86
- Ex W9 : Copy of PERFORMER-dt. 14-11-86
- Ex W10 : Copy of certificate NO. 151/77/250/3013/GEN dt. 7-2-1991
- Ex W11 : Copy of request Ir. by WW1 dt. 16-3-2001
- Ex W12 : Copy of Ir. to the Management by WW1 dt. 6-4-2000
- Ex W13 : Copy of Ir. to the Management by WW1 dt. 9-11-2001

- Ex W14 : Copy of Ir. to the Management by WW1 dt. 29-12-97
- Ex W15 : Copy of Ir. to the Management by WW1 dt. 26-12-98
- Ex W16 : Copy of Ir. to the Management by WW1 dt. 23-4-1997
- Ex W17 : Copy of Ir. to the Management by WW1 dt. 23-4-97 giving details of sickness of WW1
- Ex W18 : Copy of Ir. No. 302/106/252/3013/ZO dt. 28-4-97
- Ex W19 : Copy of bunch of medical certificates

Documents marked for the Respondent

- Ex M1 : Copy of WW1's application for the post of Adarsh Deposit Agent dt. 7-8-80
- Ex M2 : Copy of agreement dt. 7-8-80
- Ex M3 : Copy of Ir. No. 532319/250/30130/GEN dt. 11-9-1992
- Ex M4 : Copy of Ir. No. 246/137/250/3013/GEN dt. 12-3-93
- Ex M5 : Copy of Ir. No. 3033/PD/PR dt. 8-6-94
- Ex M6 : Copy of complaint from Bhavani book stall against WW1 dt. 27-10-95
- Ex M7 : Copy of WW1's representation dt. 30-6-97
- Ex M8 : Copy of reply Ir. to WW1 for his Ir. dt. 23-4-97, dt. 4-6-97
- Ex M9 : Copy of Ir. No. 513/276/250/3013/GEN dt. 12/15-6-95 termination, letter
- Ex M10 : Copy of Ir. No. 973/334/252/3013/ZO dt. 13-11-95

नई दिल्ली, 4 दिसम्बर, 2003

का. आ. 3524.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/क्रम न्यायालय, हैदराबाद के पंचाट (सदस्य संख्या 192/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-12-2003 को प्राप्त हुआ था।

[सं. एल-12012/42/97-आई. आर. (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 4th December, 2003

S.O. 3524.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 192/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of Syndicate Bank and their workmen, received by the Central Government on 03-12-2003.

[No. L-12012/42/1997-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD

PRESENT:

Shri E. Ismail, B.Sc., LL.B., Presiding Officer

Dated the 10th day of November, 2003

INDUSTRIAL DISPUTE NO. 192/2001

BETWEEN:

The General Secretary,

AP Bank Deposit Collector Union,

Tilak Road,

Hyderabad - 500 001

... Petitioner

AND

The Chief Manager,

Syndicate Bank,

Rajbhawan Road,

Hyderabad 500007

.... Respondent

APPEARANCES:

For the Petitioner : M/s. A.K. Jayaprakash Rao,
 Ch. Indrasena Reddy, K. Srinivas
 Rao, P. Sudha, T. Bal Reddy & M.
 Govind, Advocates.

For the Respondent : M/s. A.K. Krishnam Raju, G.
 Dinesh Kumar & N. Premchand
 Rao, Advocates.

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/42/97-IR(B.II) dated 13.8.2001 referred the following dispute under Section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the employers in relation to the Management and their workman.

SCHEDULE

“Whether the action of the management of Syndicate Bank in terminating the services of Sri P. Sridhar Rao, Pigmy Deposit Collector is legal and justified? If not, to what relief the workman is entitled to?”

This reference was registered as Industrial Dispute No. 192/2001 and notices were issued to the parties.

2. The brief facts as mentioned in the claim statement are: That Sri P. Sridhar Rao, is a member of the Petitioner Union and he joined the services of the Respondent bank as Pigmy Deposit Collector on 24.5.1988. That his services were illegally terminated on 27.5.94 alleging misconduct without there being any evidence, without issuing any chargesheet, without conducting any enquiry and the order of termination is in violation of principles of natural justice. That the Pigmy Deposit Collector is a workman within the meaning of Sec. 2-S of the I.D. Act, 1947. That the Industrial

Tribunal held that the Pigmy Deposit Collectors are workmen and aggrieved by the same the Respondent bank filed the Writ Petition before the Hon'ble High Court of A.P. and the Division Bench of the Hon'ble High Court held that the Pigmy Deposit Collectors are workmen under the Act. The Respondent bank carried the matter to Hon'ble Supreme Court and the Supreme Court also held that Pigmy Deposit Collectors workmen within the meaning of Sec. 2-S of the I.D. Act, 1947 which is reported in 2001(1) LLJ page 1045. The order of termination was not *bona fide* but *mala fide*. That on 27.6.94 the Petitioner union submitted representation to Assistant Labour Commissioner(C) seeking his indulgence in the matter. The Respondent gave a reply that the Pigmy Deposit Collectors are not workmen. It ended in failure and therefore, the Government referred the matter. Hence, the order of termination dated 27.4.94 be set aside and the Petitioner be reinstated into service with back wages and all other attendant benefits.

3. A counter was filed. It is submitted that the Petitioner Sri P. Sridhar Rao was engaged as Pigmy Deposit Collector whose contract of engagement as a Pigmy Deposit Collector is in accordance with contract signed between him and the bank as per which his agency can be terminated at any point of time without any notice or compensation. It is true that Sri Sridhar Rao was appointed as Pigmy Deposit Collector at Khairatabad branch of the Respondent bank during the year 1988 and he continued as Pigmy Deposit Collector till the termination of his agency by the bank. The relationship between bank and Sri Sridhar Rao was of Principal and Agent and the period of agency and continuity of agency are covered by law relating to contract and hence, no need to issue any notice etc. The only remedy available for him if he presumes any breach of contract is to claim damages by way of civil suit for breach of contract.

4. His services were terminated on 27.5.94 for his unsatisfactory services such as his objectionable behaviour with higher authorities etc. as detailed in the said order. The said agent is construed as workman for limited purpose conferred under the Tribunal's Award and modified by the Hon'ble High Court as per orders dated 8.3.97 in Writ Petition No. 9783/89 stating that the Pigmy Deposit Collectors cannot be absorbed as regular employees and however, they are entitled only for certain benefits as detailed therein. The Supreme Court confirmed the said judgements. Hence, they are not regular employees and no right to seek reference with regard to their individual grievances. The Judgement of the Hon'ble Supreme Court confirmed the Judgement passed by the Hon'ble High Court dated 13.2.2001 that in the absence of any direction as to the effective of implementation is effective prospectively. The Hon'ble Supreme Court has observed that the persons who are engaged as individual contracts to work on commission basis cannot be equated with regular employees. The cases of termination dealt with long back

on the basis of contract terms cannot be reopened quoting the Supreme Court's Judgement confirming the workman status because it will give rise to innumerable litigations. Hence, the ID may be dismissed.

5. The Petitioner did not lead any evidence. The Respondent examined Sri M. Gowri Shankar Rao as MW1. On 23.5.88 Sri Sridhar Rao was appointed as Pigmy Deposit Agent. The said letter dated 23.5.88 marked as Ex.M1. He executed an agreement dated 24.5.1988 with the Respondent, the terms and conditions of the agency, the said agreement is Ex.M2. Then he deposed as to how the Pigmy Deposit agents work. That said Pigmy Deposit Collector for reasons not known used to sit in the banking hall in the ground floor causing inconvenience to the regular staff. Several times they have advised him to go to the place provided for the Pigmy Deposit Agents in the 1st floor. But he used to disobey. On 27.5.94 he started work in the bank hall and when he was advised to go to 1st floor, he started shouting at the Chief Manager and used foul language. Due to the continued misbehaviour his agency was terminated on 27.5.94. The relationship between the bank and the Petitioner was of Principal and Agent on the basis of the contract. Bank service conditions which are applicable to the award staff are not applicable to the bank staff. The bank has given ample opportunity to rectify his behaviour but the Petitioner did not do so.

6. In the cross examination he said that the Petitioner used to come to the bank in the early business hours to enter the collection in the register. After verifying the pigmy deposit cards and other particulars entered in the register the pigmy deposit collector would come to the ground floor for remitting the collected amount. This Pigmy Deposit Collector used to stay in the bank maximum for one hour. The Pigmy Deposit Agent has not given any representation or request of his inconvenience to the bank officials. That the lunch room is made available to all the Pigmy Deposit Agents to do their work. The termination order is Ex.M3 which will be different for other bank employees. The agent was advised on several occasions and no separate letter was issued to him. The witness was never inconvenienced by him. No enquiry was conducted. He used to get a commission around 3.5% of collection. He denied that there is employer and employee relationship.

7. It is argued by the Learned Counsel for the Petitioner that as per the Judgement of the Hon'ble High Court of Madras Division Bench held that, "Tiny deposit collectors are workmen as defined in the Act because bank has control over work of such deposit collectors—Tiny deposit collectors are not independent contractors—When once a deposit collector satisfies the definition of workman it is not open to the bank to rely on Banking regulation Act and contend that such person is independent contractor". He also relied on 2001(1)LLJ page 219 a Judgement of the Hon'ble Supreme Court wherein the Syndicate Bank is the Respondent. Wherein their Lordships held that, "Industrial

Disputes Act, 1947—Sections 2 (rr) and 2(s) — Deposit Collectors of Banks "Workmen" and Commission received by them, nothing else but wage-Master and Servant relation existed between deposit collectors and concerned bank". Their Lordships further held that, "Undoubtedly the commission received by the deposit collectors was nothing else but wage. Master and servant relation existed between deposit collectors and concerned bank". Their Lordships further held, "Undoubtedly the deposit collectors are not regular employees of the bank but they nevertheless are workers within the meaning of the term as defined in the Industrial Disputes Act. There is clearly a relationship of master and servant between the deposit collectors and the concerned bank". He therefore submits that once they are workmen, regular charge should have been framed and enquiry should have been conducted. No enquiry has been conducted. Hence, he is entitled for reinstatement with back wages.

8. The Learned Counsel for the Respondent argues that in a similar case, the Central Govt. Industrial Tribunal cum Labour Court at Chennai held in ID No. 611/2001, wherein the Presiding Officer has dismissed the case of one Pigmy Deposit Collector who had entered into an agreement and at para 6 it was mentioned, "So he held that he is not entitled for any relief. However, even in the Supreme Court Judgement cited by the Learned Counsel for the Petitioner their Lordships held that the Pigmy Deposit Collectors are not on par with regular employees. Therefore no question of enquiry is necessary. Hence, the reference may be answered against the Petitioner."

9. It may be seen that the Petitioner relies on the Judgement of the Hon'ble Supreme Court cited above 2001(1) LLJ that deposit collectors of banks are workmen and commissions received by them is nothing but wage. Master and servant relationship existed between deposit collectors and concerned bank. Obviously once he is a workman, as stated by the Hon'ble Supreme Court then he is entitled for all the protection. Here according to MW1 he has been workman since 1988 and dismissed on 27.5.94 terminating his agency and even in the claim petition it is mentioned that without issuing any chargesheet without conducting any enquiry and the order of termination is in violation of principles of natural justice. In the Judgement before me Learned Brother of the Central Govt. Industrial Tribunal cum Labour Court, Chennai, no such plea that terminating the Petitioner's agency without conducting an enquiry is wrong was taken but here such plea is not taken and the principles of natural justice demand that plea he should have been provided with a chance. Hence, the order of termination dated 27.5.94 is hereby set aside and the Petitioner is directed to be taken back as Pigmy Deposit Collector on or before 1st January, 2004 failing which he will be entitled to the commission he drew for the month of April, 1994 every month from January, 2004. Reference ordered accordingly.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 10th day of November, 2003.

E. ISMAIL, Presiding Officer

APPENDIX OF EVIDENCE

Witnesses examined for the Petitioner: Witnesses examined for the Respondent:

None

MW1: Sri M. Gowri Shankar Rao

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

ExM1 : Copy of appointment order No. 420/3015/P1 dt. 23-5-88

ExM2 : Copy of memorandum of agreement dt. 24.5.88

ExM3 : Copy of termination Ir. No. 40/4/3015/BT dt. 27-5-94

ExM4 : Copy of Ir.No.1551/F.IDII/IRS dt.12-10-2002

नई दिल्ली, 4 दिसम्बर, 2003

का. आ. 3525.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचात (संदर्भ संख्या 83/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-12-2003 को प्राप्त हुआ था।

[सं. एल-12025/1/2003-आई. आर.(बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 4th December, 2003

S.O. 3525.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 83/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure. in the Industrial Dispute between employees in relation to the management of Syndicate Bank and their workmen. which was received by the Central Government on 03-12-2003.

[No.L-12025/1/2003-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present :

SHRI E. ESMAIL, B.SC., L.L.B., Presiding Officer

Dated the 10th day of November, 2003

INDUSTRIAL DISPUTE L.C.I.D. 83/2002

BETWEEN :

Sri G. Singaraiah,

S/o Singaraiah,

R/o Vinayaknagar,

T. Sundupalli,

Cuddapah.-

...Petitioner

AND

1. The Managing Director,

Syndicate Bank,

H. O. Manipal

Karnataka State

2. The Assistant General Manager-cum-

Disciplinary Authority,

Syndicate Bank, Zonal Office,

Industrial Relations Section,

Hyderabad.

...Respondents

APPEARANCES :

For the Petitioner : M/s. V. Hari Haran & A. Chandra Sekhar, Advocates

For the Respondent : M/s. A. Krishnam Raju, G.D. Kumar, G.V.N. Babu, N.P. Rao & T. P. Das, Advocates

AWARD

This is a case taken under Sec. 22A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and to others. The petition is numbered in this Tribunal as L.C.I.D. 83/2002 and notices were issued to the parties.

2. That the Petitioner worked as clerk at the Respondent bank in 1979 as a Peon and subsequently promoted as a clerk. He worked as clerk at Respondent's Y. Kota branch in Cuddapah District between 5.1.1998 to 17-6-2000. That a charge sheet was issued on 9.11.2000 to him stating that on 17-1-2000 the Petitioner submitted a loan application to the Syndicate Bank Employees Cooperative Credit Society Ltd., Hyderabad seeking loan along with a salary certificate and a letter of authorization.

That the said salary certificate and letter of authorization were fraudulently signed as Branch Manager by the Petitioner and derived fraudulent benefit of the loan sanctioned by the society. That the same violates since 9.5(j) of the Bipartite Settlement applicable to the award staff of the bank. That the enquiry was not conducted properly. There was no forgery and no pecuniary loss to the bank. Yet, he was compulsorily retired on 10-5-2001. Hence, he may be reinstated.

3. A counter was filed. That the claimant had applied for a loan from Syndicate Bank Employees Cooperative Credit Society and he submitted a certificate shown said to have been issued by the Branch Manager regarding salary and other which has been shown to have been signed by the Branch Manager. During the temporary absence of the Branch Manager. When the Management came to know and questioned him the circumstances under which, he has issued such certificate/produced such certificate, to the society since the Manager denied having issued any such certificate. He was not having any explanation to offer. Due to the above fact the bank has lost confidence in his integrity and honesty. Therefore, an enquiry was conducted which proved his misconduct and therefore, he is not entitled for any relief.

4. Arguments were heard on the validity of domestic enquiry and the enquiry was held valid by an order dated 6.2.2003. The only question that remains is whether the Petitioner is entitled for any indulgence under Sec. 11A of the I.D. Act.

5. It is argued by the Learned Counsel for the Petitioner that what is the loss caused to the bank. Even assumed that he had forged the signature of the Branch Manager and produced salary certificate it is not the case of the Respondent bank that the salary and deductions shown were wrong. Hence, the punishment of compulsory retirement is disproportionate to the misconduct as he has not duped any customer nor the bank and only obtained a letter. Hence, he may be reinstated with back wages.

6. It is argued by the Learned Counsel for the Respondent that the charge sheet is very clear of charges. He has got a loan of Rs. 60,000/-. That the salary certificate in the letter of authority were not issued by the Branch Manager. It has come in the evidence that the Manager has refused in the cross examination of MW1 (in the enquiry proceedings) that the Manager has refused to certify the salary particulars. It was due to high overdue liabilities of the chargesheeted employee. So it may be seen that the employee was already heard personally and he has given a false certificate signed fraudulently as Branch Manager. Tomorrow he could do the same against any customer. Therefore, he submits that the order of compulsory retirement is justified.

7. It may be seen that there was a letter marked in the enquiry dated 3.6.98 which was written by Divisional Manager, that the Petitioner has misused Rs.20,000/-

Housing Loan amount and the Branch Manager was requested not to recommend any loan proposal until all his liabilities are regularized and report compliance and he has forged it obviously to get the loan. He was dismissed on 10.5.2001. He says that he was 51 years old. It may not be desirable to reinstate him as the bank has lost confidence in him because in view of his strained financial circumstances he may resort to some other means and cause loss to the customers of the bank. It is not clear as to how many years of service he has put in neither the claim statement says so nor the counter. However, according to the certificate which he signed as Branch Manager, he has shown his salary as Rs. 10,000/- and odd. I am of the opinion that the ends of justice will be met if he is awarded three months pay besides retirement benefits which he has received. Hence, the award is passed directing the Respondent bank to pay him three months pay equivalent to his last drawn pay besides the retirement benefits he has already received or yet to receive on or before 1st January, 2004 failing which he will be entitled to receive the same with 12% interest per annum from 1.1.2004.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 10th day of November, 2003.

E. ISMAIL, Presiding Officer.

Appendix of evidence

Witnesses examined for the Petitioner:	Witnesses examined for the Respondent:
--	--

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

- | | |
|-------|--|
| Ex.M1 | : Copy of charge sheet dt.9.11.2000 |
| Ex.M2 | : Copy of Ir.& Corrigendum to Ex.M1 dt.27-11-2000 |
| Ex.M3 | : Copy of Ir. from E.O. to the Petitioner dt.13-12-2000 |
| Ex.M4 | : Copy of Ir. from E.O. to the Petitioner dt.3-1-2001 |
| Ex.M5 | : Copy of Ir. from E.O. to the Petitioner dt.6-1-2001 |
| Ex.M6 | : Copy of Ir. of Dy. G.M. appointing Management rep. dt.11-1-2001 |
| Ex.M7 | : Copy of Ir. to the E.O. by the Petitioner appointing Defence representative dt.22-1-2001 |
| Ex.M8 | : Copy of Ir. by Management representative to the E.O. adducing list of witness etc. |
| Ex.M9 | : Copy of enquiry proceedings dt.3-1-2001, 22-1-2001, 23-1-2001, 20.2.2001 & 1-3-2001 |

- Ex.M10 : Copy of Ex. M.1 to 42 marked during enquiry.
 Ex.M11 : Copy of enquiry report dt.8-3-2001.
 Ex.M12 : Copy of Ir. dt.18-4-2001 reg. Furnishing of report to Petitioner.
 Ex.M13 : Copy of Ir. from Petitioner to AGM, dt.4-5-2001.
 Ex.M14 : Copy of proceedings of hearing dt.18-5-2001.
 Ex.M15 : Copy of proceedings of AGM dt.24-5-2001.
 Ex.M16 : Copy of Ir. No.1011/2000/30(W)/IRS dt.24-5-2001.
 Ex.M17 : Copy of Ir. No. 1011/2000/30(W)/IRS dt.25-5-2001.
 Ex.M18 : Copy of proceedings of G.M.
 Ex.M19 : Copy of Ir. No. 1407/0089/PD; IRD (W) dt.8-9-2001.

नई दिल्ली, 4 दिसम्बर, 2003

का.आ. 3526— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय एस.सी.सी.एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद (संदर्भ संख्या 230/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-12-2003 को प्राप्त हुआ था।

[सं० एल-22012/275/2000-आई आर (सी एम-II)]

एन०पी० केशवन, डेस्क अधिकारी

New Delhi, the 4th December, 2003

S.O. 3526.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 230/2002) of the Central Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 03-12-2003.

[No. L-22012/275/2000-IR (CM-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD

PRESENT : Shri E. ISMAIL., B.Sc, LLB.,

Presiding Officer

Dated the 24th day of September, 2003

INDUSTRIAL DISPUTE NO. 230/2002

BETWEEN:

The General Secretary (Sri G. Solomon),
Singareni Collieries Mines Workers Union,
(Reg. No. E-1714), H. No. D-703,
Rythu Bazar Opp.
Godavarikhani-505209. Petitioner

AND

The General Manager,
M/s. Singareni Collieries Co. Ltd.,
Ramagundam-I Divn.,
Godavarikhani-505209. Respondent

APPEARANCES:

For the Petitioner : M/s. Vasudeva Reddy &
A. Sarojana, Advocates
For the Respondent : M/s K. Srinivasa Murthy,
V. Umadevi & C. Vijaya
Shekar Reddy, Advocates.

AWARD

The Government of India, Ministry of Labour by its Order No. L-22012/275/2000-IR (CM-II) dated 22-3-2002 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Co. Ltd. and their workman. The reference is,

SCHEDULE

“Whether the action of the General Manager, M/s. Singareni Collieries Co. Ltd., Ramagundam-I Divn., Godavarikhani in not rectifying the age of Sri S. Sambaiah, Coal Filler as per S.S.C. Certificate is legal and justified? If not, to what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 230/2002 and notices issued to the parties.

2. In spite of several adjournments given from 28-2-2003 for cross-examination of Petitioner for 13 adjournments including 24-9-2003 the petitioner has not turned-out for cross-examination. WWI chief examination can not be considered unless he is cross-examined. Hence, there is nothing on record to support his claim. Therefore, the reference is ordered against the petitioner and accordingly a ‘Nil’ Award is passed, Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 24th day of September, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witness examined for the : Witnesses examined for
Petitioner the Respondent

NIL : NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 4 दिसम्बर, 2003

का.आ. 3527.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या एल.सी.आई.डी. संख्या 75/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-12-2003 को प्राप्त हुआ था।

[सं० एल-22013/1/2003-आई आर (सी-II)]

एन०पी० केशवन, डेस्क अधिकारी

New Delhi, the 4th December, 2003

S.O. 3527.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. L.C.I.D. No. 75/2003) of the Cent. Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 03-12-2003.

[No. L-22013/1/2003-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

PRESENT : Shri E. ISMAIL, B.Sc, LLB.,

Presiding Officer

Dated the 13th day of October, 2003

INDUSTRIAL DISPUTE L.C.I.D. NO. 75/2003

BETWEEN:

Sri Deva Mohan,
S/o Parasharamulu,
R/o Kannala,
Khammanpur(M),
Karimnagar (Dist.)

... Petitioner

AND

1. The Colliery Manager,
M/s. Singareni Collieries Co. Ltd.,
Kasipet Mine,
Post : Kasipet.
2. The General Manager,
M/s. Singareni Collieries Co. Ltd.,
Mandamarri Area.
3. The Managing Director,
Singareni Collieries (Administration),
Post : Kothagudem,
Dist : Khammam. ... Respondent

APPEARANCES:

For the Petitioner : Sri S. Bhagawanth Rao,
Advocate

For the Respondent : M/s. K. Srinivasa Moorthy,
C. Vijay Sekhar Reddy & B.V.L.
Vani, Advocates

AWARD

This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as mentioned in the petition are: That the Petitioner was appointed on 7-12-90 and he discharged his duties till his removal from service on 4-7-2001. The Petitioner never worked in underground either at the time of initial appointment or at the time of termination. That the Petitioner absented to duty because of ill-health and body pain. That after 21-6-2001 he was asked to go under ground to get coal from the mine. The weather and atmosphere in the mine was not adjusted to him and his body started getting pain because of the pain, the Petitioner used to remain absent. Hence, a charge was framed, "habitual late attendance or habitual absence from duty without sufficient cause". The domestic enquiry was conducted and he was dismissed from service by letter dated 4-7-2001 terminating his services from 13-7-2001. Hence, he may be reinstated with back wages.

2. A counter was filed. It is stated that the Petitioner was appointed on 9-12-90 as temporary tunnel mazdoor. Then again he was promoted as coal filler on 1-9-95 and working as a coal filler he was dismissed from his services for his unauthorized absence. That an enquiry was conducted and he was terminated by letter before

termination. The workman has submitted his representation on 4-10-2001 assuring that he would put in 22 fill in musters every month and fill 2 or more tubs per muster thereafter. As per the assurance the workman was given an opportunity for three months to improve his performance. But he did not. Hence, there is no justification to interfere in the order of dismissal.

4. The Learned Counsel for the Petitioner conceded that the domestic enquiry is validly conducted and argued under Sec. 11 A of the Act. So he submits that the Petitioner could not attend as he was sick and he has been working long back and he may be given one more chance by invoking provisions under Sec. 11 A as the Petitioner's dismissal is shock and disproportionate to the alleged misconduct.

5. The Learned Counsel for the Respondent submits that it is one thing if he was dismissed directly. In fact he was given three months chance to mend himself. He was given counseling and he agreed to put in minimum 20 musters every month beginning from 21-5-2002 to 20th August, 2002. In those three months has not put minimum musters, he did not attend for two months from February, 2001 to March, 2001, he attended for two days only in April, 2001. Hence, any sympathy shown to him would be misplaced sympathy and he prays that no relief may be granted to the Petitioner.

6. It may be seen that it is not as if he has been dismissed directly from the service. In fact he was given three months to mend himself from February, 2001 to April, 2001. He has not even put in one single muster for two months although he agreed to put in minimum 20 musters in a month. He was dismissed from 13-7-2001. It is not clear from pleadings or from the counter as to when he was initially appointed. This goes to show that his previous record is also not a happy one. Hence, I am of the opinion that the ends of justice will be met if he is appointed as a temporary coal filler on the starting pay on or before 1st December, 2003 and if he puts in minimum musters for three consecutive years then his services may be made permanent otherwise he may be dismissed after conducting an enquiry. In the circumstances, his past service shall not be considered for terminal benefits nor he is entitled for any back wages.

Award passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 13th day of October, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 4 दिसम्बर, 2003

का.आ. 3528.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय न्युक्लियर फ्यूल कॉम्प्लेक्स के प्रबंधन के संबद्ध नियाजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या एल.सी.आई. डी. संख्या 89/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-12-2003 को प्राप्त हुआ था।

[सं० एल-22013/1/2003-आई आर (सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th December, 2003

S.O. 3528.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. L.C.I.D. No. 89/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Nuclear Fuel Complex and their workman, which was received by the Central Government on 03-12-2003.

[No. L-22013/1/2003-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

PRESENT : Shri E. ISMAIL., BSc, L.L.B.,

Presiding Officer

Dated the 13th day of October, 2003

INDUSTRIAL DISPUTE L.C.LD NO. 89/2002

BETWEEN:

Sri G. Visveswara Reddy,

S/o Krishna Reddy,

C/o P. Vishnu Vardhan Reddy,

Advocate, D. No. 3-6-200, Flat No. 303,

Arunodaya Apartments,

Street No. 15, Behind Hotel Blue Fox,

Himayatnagar, Hyderabad-29.

.. Petitioner

AND

1. The Administrative Officer-III (Estt.)
Government of India, D/o Atomic Energy,
Nuclear Fuel Complex,
Establishment-III, ECIL Post,
Hyderabad-62
2. The Chief Administrative Officer,
Nuclear Fuel Complex,
D/o Atomic Energy, Government of India,
Post ECIL, Hyderabad-69. . . Respondents

APPEARANCES:

- For the Petitioner : M/s P. Vishnu Vardhan Reddy,
R. Satyanarayana, R. Balaraj
Goud & S. Laxma Reddy,
Advocates
- For the Respondent : Sri K. Suryanarayana,
Advocate

AWARD

This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts of the petition are : That the Petitioner was employed in the Nuclear Fuel Complex, Department of Atomic Energy on 5-5-2001. He was in employment till 14-12-2001. He was terminated from service on 14-12-2001 without assigning any reason. He was employed on regular basis on open recruitment through an advertisement. Even as employee in the previous organization he was employed on the same kind of job and therefore he is deprived of his regular job even in the other establishments. That he was appointed on a regular scale of post Rs. 2550-55-2660-60-3200 and he has been performing duties as a probationer without any complaint whatsoever. That the Petitioner applied for the post of helper 'A' as per notification dated 19-7-1999. That the Petitioner's father has been working as Scientific Assistant-C with the Respondent from 29-9-78. His entire family is associated with the organization. Hence, the orders dated 14-12-2001 may be set aside.

3. A counter was filed stating that the Petitioner was appointed as helper 'A' on the scale of pay of Rs. 2550-3200 vide letter No. NFC/PA/03/27/409 dated 5-5-2001 in the industrial establishment. That the jurisdiction vests with the Central Administrative Tribunal. That the said notification called for helper 'A', the educational qualifications fixed as per the circular are, "Literacy level equal to between 3rd and 8th standard (including 8th failed)". The Petitioner submitted his application stating that he has passed 7th standard. He was selected. That he

was found that his qualification is SSC, which was confirmed by the District Employment Officer also. He has suppressed the fact. Hence, he is not entitled for any relief.

4. The Petitioner has examined himself as WWI. That previous to his applying for the said post he worked from 1999 to 2001 in M/s NRB Bearings, Uppal, Hyderabad in the post of casual labour. That the Respondents clearly mentioned in the notification that the qualification for helper 'A' is 7th class or between Literacy level equal to 8th standard. He applied for the post of helper 'A' in reserved category. Ex. W1 is the termination order. Ex. W2 is the notification. Ex. W3 is the appointment letter. Ex. W4 is the identity card. Ex. W5 is the salary slip for November, 2001. Ex. W6 is the LIC policy form dated the 20th August, 2001. Ex. W7 is the experience letter dated 16-2-2001. Ex. W8 is the appeal to the Chief Administrative Officer. In the cross examination he deposed that he has been appointed in the said post on 28-5-2001. His post comes under non-technical. It is true that as per the interview letter in para 4 specifically mentioned that the educational qualification for the post of helper 'A' is 'Literacy level equal to between 3rd and 7th standard'. That his qualification is 7th class pass. That he has mentioned in his application as 7th class passed in 2nd division, 8th class discontinued. It is true that he has submitted declaration stating that he is aware that in case it is found that his qualification is higher than what he has declared above, his appointment stands cancelled. It is true that his appointment is of *ad hoc* appointment.

5. The Respondent examined the Administrative Officer-III Sri G. Koteswara Rao. He further confirmed that in the attestation form a warning note has been mentioned that if a false information comes to the notice at any time during the service of a person, his services would be liable to be terminated. That actually the Petitioner was SSC which was confirmed by the employment exchange officer.

6. In the cross examination he denied that the signature was taken on the blank declaration form Ex. M5. That he was dismissed on the fact that he concealed the factual information inspite of warning issued in the attestation form and got the job by showing lesser qualification. That his father is present in the Court who is working as Scientific Assistant C. That because of the Petitioner is having higher qualifications, Respondent did not suffer any monetary loss. It is correct that so far as compassionate appointments are concerned higher qualified people are also appointed for Group D posts. That para 1 of Ex. M6, offer of appointment letter is unreasonable and arbitrary.

7. It is argued by the Learned Counsel for the Petitioner that in Ex. M3 no doubt the Petitioner has mentioned as VII passed, VIII class discontinued. This only shows how scarce the jobs are. The son of Scientific Assistant-C also applied for the post. That if the declaration in Ex. M5 shows that he has given undertaking that he is

aware that in case it is found that his qualification is higher than what was declared, his appointment may be stands cancelled. Actually his signature was taken on blank document. Even otherwise due to the scramble for jobs suppressing the qualification is not such a serious offence. In fact, the Hon'ble Supreme Court cases 2000(2) page 606 held, wherein the, "Legality-Recruitment to the post of peons in District and Sessions Court in the State of Maharashtra-prescribing pass in the examination of Standard IV in the regional language as the requisite minimum qualification—In view of large number of applicants as compared to the number of vacancies (14,965 applicants for 66 posts)-for interview was restricted only those who possess requisite minimum qualifications and not those with higher qualification. Such a criterion held contrary to the relevant rules and irrational". Their Lordships held that, "A criterion which has the effect of denying a candidate his right to be considered for the post on the principle that he is having higher qualification than prescribed cannot be rational. However this ruling has to be confirmed to the facts of the present case and should not be taken to be a rule of universal application. Therefore, it has to be held that the fourth criterion impugned herein is not reasonable or rational by upholding the said criterion the High Court has put its stamp of approval to another type of reservation for recruitment to the service which is not permissible. So he submits that as admitted by MWI the Company has not suffered any financial loss and the work was not in any way hampered by the Petitioner having passed SSC. Therefore, the dismissal is illegal. Hence, he prays that he may be reinstated with back wages."

8. The Learned Counsel for the Respondent argues that the Petitioner has given a gales declaration that he passed VII class and failed VIII class. That the Employment Exchange has declared that he passed SSC. Further, he has given declaration which reads as follows in Ex. M5, "I am aware of the fact that in case it is found that my qualification higher than what I have declared, my appointment will stand cancelled". In a case reported in 2002 (1) CLR page 949, the Supreme Court of India held in civil appeal No. 1280 of 2001 that, "Appellant was appointed on probation for two years—Her service was terminated before end of probation period—The question is whether termination was penal as contended by the appellant". He also relied on service law reporter reported in 2002 (6) SLR, wherein it was held that, "temporary appointment—appointee in the habit of permanent absent without leave, carelessness towards work itself obtains an order by superiors—cumulative effect of general suitability and adverse entries—where termination of service—termination cannot be held to be punitive in nature". He also relied on "Termination of services of Probations—Whether enquiry is necessary", wherein the case of State of Bihar Vs. Gopikishore Prasad, 1960-1-LLJ page 533 it was held, "If the Government proceeded against him in a direct way of discharging him without any enquiry and without casting

any aspersions on his competence or honesty, his discharge would not, in law, have the effect of removal from service by way of punishment and he would, therefore, have no grievance to ventilate in any Court". In Ex. M10 wherein nothing is mentioned except that his services are terminated with respect to para 1 of Ex. M6. So no allegations are made against him and therefore the Petitioner is not entitled for any relief.

9. It may be seen that in the application form Ex. M3 he has mentioned in his own hand writing that he has passed VII class but VIII class he has discontinued. Ex. M5 is a declaration that if it is found that his qualification is higher than what he has declared his appointment stands cancelled. It may be noted that it is a matter of surprise that when the Government on the one hand is trying that almost all the children should be educated atleast upto SSC or Matriculation, yet minimum qualifications are prescribed which in one way increases the drop outs from school in the hope of getting a Helper 'A' post or Helper 'B' post. It is unfortunate that in Indian Society, the manual work is looked down upon and in fact even ladies feel ashamed to be called themselves as house wife as if doing only the household work in a stigma. So the tendency to have persons with lesser qualifications to do manual work, the dignity of labour is yet to gain prominence in India. In the present situation where insisting a lesser qualification than SSC even for manual work is justified or not is another question and perhaps wherein such rules framed are legal or not also has to be seen but not by me sitting as a Labour Court/Industrial Tribunal Presiding Officer, but it is for the Hon'ble High Court or the Supreme Court to decide whether imposing such restrictions on educational qualifications is correct or not. But in this case it is a different matter if the Petitioner had put the correct qualification and appointed and dismissed again on the ground of possessing higher qualification, then perhaps there would have been a question of considering the case of the Petitioner. Here, deliberately the Petitioner has shown false qualifications and given an undertaking and no one shall be allowed to gain by his falsehood. Hence, I am afraid I cannot come to the rescue of the Petitioner and hence, the dismissal order dated 14-12-2001 is held valid, however, as it was only a question of qualification this shall not be a stigma or disqualification for applying for any post not only with the Respondent organization but in any organization or Government.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 13th day of October, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1 : Sri G. Vishwesh- war Reddy	MW1 : Sri G. Koteswara Rao

Documents marked for the Petitioner

Ex. W1 :	Termination order No. NFC/Estt. III/5901/CFFP-P/2001 dt. 14-12-2001
Ex. W2 :	Copy of notification no. NFC/PAR-I/03/27/706 dt. 19-7-1999
Ex. W3 :	Appointment Ir. No. NFC/PAR/03/27/409 dt. 5-5-2001
Ex. W4 :	Copy of identity card dt. 2-6-2001
Ex. W5 :	Copy of salary slip for November, 2001
Ex. W6 :	Copy of LIC Policy Form dt. 20-8-2001
Ex. W7 :	Copy of experience certificate dt. 16-2-2001
Ex. W8 :	Copy of appeal to CAO/NFC/HYDERABAD dt. 2-1-2002.

Documents marked for the Respondent

Ex. M1 :	Copy of notification No. NFC/PAR-I/03/27/706 dt. 19-7-1999
Ex. M2 :	Copy of notification No. NFC/PAR-I/03/27/147 dt. 2-2-2001
Ex. M3 :	Copy of application form of WW1
Ex. M4 :	Copy of employment card
Ex. M5 :	Copy of declaration form filled by WW1
Ex. M6 :	Copy of appointment Ir. No. NFC/PAR/03/27/409 dt. 5-5-2001
Ex. M7 :	Copy of attestation form dt. 17-5-2001
Ex. M8 :	Copy of reply from Employment Officer dt. 1-11-2001
Ex. M9 :	Copy of reimbursement of tuition fees
Ex. M10 :	Termination order No. NFC/Estt. III/5901/CFFP-P/2001 dt. 14-12-2001.

नई दिल्ली, 4 दिसम्बर, 2003

का.आ. 3529.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या 263/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-12-2003 को प्राप्त हुआ था।

[सं० एल-22012/309/2001-आई आर (सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 4th December, 2003

S.O. 3529.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 263/2002) of the Cent. Govt Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 03/12/2003.

[No. L-22012/309/2001-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD

PRESENT : Shri E. ISMAIL., BSc, LLB.,

Presiding Officer

Dated the 17th day of September, 2003

INDUSTRIAL DISPUTE NO. 263/2002**BETWEEN:**

The Central Vice President (Sri B. Gangaram),

Singareni Collieries Workers Union (AITUC),

H. No. 12-10-196, Seethafalmandi,

Secunderabad

.... Petitioner

AND

The General Manager,

M/s. Singareni Collieries Co. Ltd.,

Bellamapalli Division,

Bellampalli-504251.

.... Respondent

APPEARANCES:

For the Petitioner : Sri B. Gangaram, Representative

For the Respondent : M/s. K. Srinivasa Murthy, V.
Umadevi and C. Vijaya Shekar
Reddy, Advocates**AWARD**

The Government of India, Ministry of Labour by its Order No. L-22012/309/2001-IR (CM-II) dated 1-8-2002 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the employers in relation to the Management of M/s. Singareni Collieries Co. Ltd. and their workman.

SCHEDULE

"Whether the action of the management of M/s. Singareni Collieries Co. Ltd., Bellampalli Division, Bellampalli in denying the protection of wages to Sh. Mittapalli Rajaratnam, Mining Sardar, Shantikhani from the date of Medical Unfitness/provision of alternative employment is just, fair legal?"

If not, to what relief is the worker entitled and from what date?"

This reference was registered as Industrial Dispute No. 263/2002 and notices were issued to the parties.

2. The brief facts as mentioned in the claim petition are: That the workman in dispute Sri M. Rajaratnam was promoted to work as Mining Sardar, Grade 'C' with effect from 1.9.1998 when he was working in Boipalli 1 incline and later on he was transferred to work in Shanti khani. He was suffering from heart disease, Sinus Bordenyocardio, when he was working at Shanti khani. The Management sent him to Kothagudem main hospital for medical examination and the medical board at Kothagudem on 10-10-1996 declared him medically unfit to work as Mining Sardar in underground vide Medical Board letter No. CMK/Co.op./Medical-U/203/8080, dated 11-10-1996 and later on he was given an alternative light job on surface in Civil Engineering Department and he was appointed to work on Grade 'E' instead of Grade 'C' in Bellampalli Division. The workman's grade was reduced from 'C' grade to 'E' grade. That two grades less than his previous wages which he was getting before he was declared medically unfit for underground work. He protested that he must be given full wage protection. Previously it was a practice to give wage protection similar case of a Head Overman Sri R. Kameshwar Rao of M.V.K.2 incline, Bellampalli area who was also declared medically unfit to work underground, due to heart disease and he was provided with a light job on surface in Shanti Khani C.S. Plant and he is continued in 'A' grade giving full protection. There are several cases like that. As a fresh case Sri S. Rajamalliah was given protection of 'C' grade for 38 months and later it was reduced to 'E' grade and I.D. 1798 was before Industrial Tribunal-I, which gave an award on 15-2-2000 giving him full wage protection of 'C' grade from the date of his medical unfitness. The Parliament has passed a law for providing pay protection. Hence, Sri Mittapalli Rajaratnam, Mining Sardar should be given protection of wages of 'C' grade which he was getting before his medical unfitness as per law of the land.

3. A counter was filed. That Sri M. Rajaratnam was promoted as Mining Sardar, Gr. C on 1-9-1988 while working at Boipalli and subsequently he was transferred to work at Shanti Khani Mine. While working so he was declared unfit on 10-11-96. On the application submitted by the Petitioner he was appointed as work assistant in the grade 'E' in the pay scale of Rs. 1826-60-2666/- and posted to work at Civil Engineering Department with immediate effect. He reported for duty. That there was a memorandum of settlement before the Assistant Labour Commissioner(C), where as per the above settlement Clause 2.2 pertains to the provision of alternative jobs to the mining staff who have been declared unfit for performing duties underground due to mine accidents. Where the mining staff declared medically unfit due to reasons other than mine accidents will also be considered for providing suitable alternative

jobs on surface as personal to them. A few examples of such jobs would be Telephone Operator, Lamp Room, Clerical, Tripman etc. The rehabilitated employees will be allowed increments in the lower grades of jobs offered to them equivalent to the number of increments in the original grade. That Sri Rajaratnam comes under the purview of Clause 2.3 of the above settlement. As such he was declared unfit due to reasons other than mining accident. His initial pay was fixed at Rs. 2366/- and sanctioned 9 increments which were earned by him in the previous grade. That he was not given wage protection is not correct. That as per the memorandum of settlement the cases were decided. There is no discrimination. That the Judgement of the Industrial Tribunal is not applicable to the facts of this case on hand. That as per Memorandum of Settlement which was entered into under Section 12.3 of the I.D. Act, the Petitioner was considered and alternative employment was provided to him. Hence, the petition may be dismissed.

4. Same facts were deposed in the Chief examination by Sri P. Rajaratnam as WW1. For some period he was given 'C' grade which was subsequently reduced to 'E' grade. He proceeded before the Assistant Labour Commissioner (C), Mancherial which proceedings were ended in failure. Hence, the reference. In the cross examination he agreed that as per 2.3 of the above agreement between the union and the Singareni Collieries Co. Ltd., the fixation of his pay is correct. But in the re-examination he deposed that in 1995 a new law has been passed by the Parliament, therefore the said agreement is invalid in law. Mr. Kameshwara Rao, Head Overman was having heart disease but he was given pay protection, although he was given surface work. As he has been in the same footing, he may also be given the same.

5. The Deputy Personnel Manager, Sri. K.B.S. Sagar deposed as MW1. That the Petitioner was declared medically unfit on 10-10-96 and he was immediately terminated. Subsequently, on his application for alternative employment he was given work in grade 'E' which is marked as Ex. M1. He took the said letter and reported for duty without any protest as per the settlement dated 22-3-90 under Sec. 12(3) of I.D. Act. He is not entitled for any relief. In the cross examination he deposed that he does not know Sri Kameshwara Rao, Head Overman. That he heard about the law, "The persons with Disabilities" passed by the Parliament. That he does not know whether a settlement dated 7-7-99 was signed by the Management to implement the provisions of Persons with Disabilities Act, 1995 and signed Memorandum of Settlement in the presence of Regional Labour Commissioner (C), Hyderabad. He is not aware of the details of the said Act. The Management has no right to violate the law of the land. He does not know after passing this new law the settlement signed with the mining staff during 1990 has become invalid.

6. It is argued by the Learned Counsel for the Petitioner that the Management is taking shelter under the

settlement dated 22-3-90 where wage protection was agreed for only the cases of medical unfitness due to mine accidents and due to sickness out of non-mine accidents alternative job works agreed without wage protection. That now the act, Persons with Disabilities Act, 1995 is passed. Therefore the settlement dated 22-3-90 is invalid in law. It was sole held by Industrial Tribunal-I, Hyderabad in ID 17/1998 vide award dated 15-5-2000. That in the light, Sec. 47 of the above said Act memorandum of settlement was signed on 7-7-99 in presence of Regional Labour Commissioner (C), Hyderabad and agreed to implement the new law and provide wage protection and also provide promotions to those who are eligible for promotions. In WP No. 1476 of 2000, the Hon'ble High Court held that the workmen should be provided with light jog on surface with full protection of wages. That in WP No. 3323 of 1998 decided on 29-12-98, APSRTC Conductor who lost vision in both the eyes the writ was allowed asking the Corporation to consider the claim denova. He further argued that the case of the Petitioner is of 1996, the law Act 1 of 1996 came into force on 7-2-96. Item No. 2A to 2E the examination of law does not apply to this case.

7. It is argued by the Learned Counsel for the Respondent that the memorandum of settlement arrived under Sec. 1293 of the Act before the Assistant Labour Commissioner (C), Mancherial pertains to provision of alternative employment to the mining staff who has been declared medically unfit for performing duties underground due to mine accident. It does not apply to others who are sick other than mine accident, "Mining Supervisory Staff, who became medically unfit for underground jobs due to reasons other than mine accidents. The rehabilitated employees will be allowed increments in the lower grade of jobs offered to them equivalent to number of increments in the original grade. Continuity of service will be given for promotional benefits". He submits that Sec. 47 of the said Act, appropriate Government may have regard to the type of work carried on in any establishment by notification and subject to such condition as may be specified in such notifications exempted any establishment from the provisions of this section. The Government vide proceedings bearing No. 946/Pr. I (2)/2003-5 dated 30-5-2003 was pleased to exempt Singareni Collieries Co. Ltd. from the provisions stipulated under the above Act and that letter is also enclosed. So he submits that the Petitioner is not entitled for any relief.

8. It may be seen that the Petitioner was admittedly working as Mining Sardar. He was suffering from heart disease. He was declared unfit and appointed to work on Grade 'E' instead of Grade 'C' as a work assistant in Civil Engineering Department dated 30-5-2003 exempting the Respondent from the provisions stipulated under the Persons with Disabilities Act, 1995. That the question whether this exemption is retrospective or prospective. Because the letter itself is written on 24-2-2003. No doubt there is an agreement which does not give pay protection to those who become sick due to non-mine accident. The Learned Counsel for the Respondent referred to another agreement dated 7-7-99 whereby they agreed to implement the new law of 1999 and provide light jobs with full protection of wages. A question was put to MW1 who

said that he does not know whether a settlement of 7-7-99 was signed by the Management to implement under the provisions of Persons with Disabilities Act, 1995 and signed Memorandum of Settlement in the presence of Regional Labour Commissioner (C). I wish the same had been filed. It may be seen that he was terminated from service but the said termination itself and his very termination was not proper in view of the Act of 1995. The question whether the exemption in absence of any details is prospective and not retrospective and sitting as Chairman, Industrial Tribunal-I, Hyderabad, I had given a Judgement which is marked here as Ex.W7 and I held there that there are similarly situated persons who have been given wage protection like Rajaiah and Durgaiah. WWI here, he has given an example of Sri Kameshwara Rao and Rajamalliah who was of course given an award by me. Hence, I am of the opinion that as the Persons with Disabilities Act came in 1995 and the exemption is given from 2003 that will not apply to the case of the Petitioner and therefore he will be entitled for wage protection. In the result, the award is passed holding that Sri Mittapalli Rajaratnam Mining Sardar is entitled for protection of wages as he was drawing prior to his being disabled. However, as he is not working underground he is not entitled to underground allowances and other allowances which are paid to those who are working underground. But for that the workman Sri Mittapalli Rajaratnam shall continue to draw the same pay as he was drawing as on 10-10-96.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her, corrected and pronounced by me on this the 17th day of November, 2003.

E. ISMAIL, Presiding Officer

Appendix of Evidence

Witnesses examined for the Petitioner:	Witnesses examined for the Respondent:
--	--

WW1: Sri P. Rajaratnam	MW1: Sri K. B. S. Sagar
------------------------	-------------------------

Documents marked for the Petitioner

Ex.W1: Copy of Lr. No. CHK/Corp/Med-O/203/8080 dt. 10-10-96

Ex.W2: Copy of O.O. No.P.BPA/24/1557 dt. 25-12-96/20-5-97

Ex.W3: Copy of O.O. No.P.BPA/24/2162 dt. 19-8-96

Ex.W4: Copy of Lr. No.CVP/99 to the Management dt. 2-7-2001

Ex.W5: Copy of conciliation proceedings No.1/21/2000/ALC/MCI dt.30-8-2001

Ex.W6: Copy of F.O.C. No.1/21/2001-ALC/MCL dt.31-8-2001

Ex.W7: Copy of award in ID.17/1998 dt. 15-5-2000

Documents marked for the Respondent

Ex.M1: Copy of O.O. No.P.BPA/24/1557 dt. 25-12-96/20-5-97

नई दिल्ली, 12 दिसम्बर, 2003

का. आ. 3530.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि भारतीय खाद्य निगम में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की

प्रविष्टि 6 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या. एस-11017/5/91-आई.आर. (पी.एल.)]

जे. पी. पति, संयुक्त सचिव

New Delhi, 12th December, 2003

S.O. 3530.—Whereas the Central Government is satisfied that the public interest required that the services in the Food Corporation of India which is covered by item 6 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No.S-11017/5/91-IR(PL)]

J. P. PATI, Jt. Secy.

नई दिल्ली, 16 दिसम्बर, 2003

का. आ. 3531.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (T/I) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 1865 दिनांक 18-6-2003 द्वारा लोह अक्षक खनन उद्योग जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 16 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 18-6-2003 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तु द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 18-12-2003 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या. एस-11017/13/97-आई.आर. (पी.एल.)]

जे. पी. पति, संयुक्त सचिव

New Delhi, the 16th December, 2003

S.O. 3531.—Whereas the Central Government having been satisfied that the public interest so required that in pursuance of the provisions of sub-clause (vi) of

the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O.No.1865 dated 18th June, 2003 the services in the Iron ore Mining Industry which is covered by item 16 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 18th June, 2003.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 18th December, 2003.

[No.S-11017/13/97-IR(PL)]

J. P. PATI, Jt. Secy.

नई दिल्ली, 19 दिसम्बर, 2003

का. आ. 3532.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 जनवरी, 2004 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी है।) अध्याय-5 और 6 [धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबन्ध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“मदुरै जिला में मदुरै दक्षिण तालुक के राजस्व ग्राम अछम्पतु, वडपलन्जी और करडिपट्टी के अधीन आने वाले क्षेत्र”।

[संख्या एस-38013/43/2003-एस. एस. I]

के. सी. जैन, निदेशक

New Delhi, the 19th December, 2003

S.O. 3532.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2004 as the date on which the provisions of Chapter IV [except Sections 44 and 45 which have already been brought into force] and Chapter V and VI [except Sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Tamilnadu namely :—

“Areas comprising the Revenue Villages of Achampathu, Vadapalanji and Karadipatti of Madurai South Taluk in Madurai District.”

[No. S-38013/43/2003-SS. I]

K. C. Jain, Director